











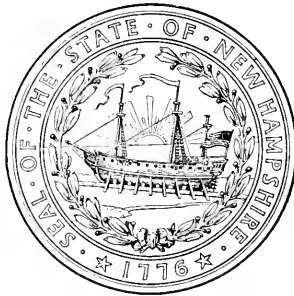
# LAWS

OF THE

## STATE OF NEW HAMPSHIRE

PASSED JANUARY SESSION, 1941

LEGISLATURE CONVENED JANUARY 1,  
ADJOURNED JUNE 13.



CONCORD, N. H.  
1941

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# STATE OFFICERS

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<i>Governor</i> .....	Robert O. Blood
<i>Councilors</i> .....	<div style="display: inline-block; vertical-align: middle;"> <div style="display: inline-block; vertical-align: middle; font-size: 3em; line-height: 1;">{</div> <div style="display: inline-block; vertical-align: middle;"> George D. Roberts  Ansel N. Sanborn  Thomas A. Murray  William A. Molloy  Harold G. Fairbanks </div> </div>
<i>Adjutant General</i> .....	Charles F. Bowen
<i>Agriculture, Commissioner of</i> .....	Andrew L. Felker
<i>Bank Commissioner</i> .....	Clyde M. Davis
<i>Comptroller</i> .....	Stephen B. Story
<i>Education, State Board of</i> .....	<div style="display: inline-block; vertical-align: middle;"> <div style="display: inline-block; vertical-align: middle; font-size: 3em; line-height: 1;">{</div> <div style="display: inline-block; vertical-align: middle;"> Orton B. Brown  Joseph W. Epply  Alice S. Harriman  Robert T. Kingsbury  Ruth S. Kirk  James J. Powers  James A. Wellman </div> </div>
<i>Commissioner of</i> .....	James N. Pringle
<i>Fish and Game Department, Director</i>	Ralph G. Carpenter, 2nd
<i>Forester, State</i> .....	John H. Foster
<i>Forestry and Recreation Commission</i> .....	<div style="display: inline-block; vertical-align: middle;"> <div style="display: inline-block; vertical-align: middle; font-size: 3em; line-height: 1;">{</div> <div style="display: inline-block; vertical-align: middle;"> W. Robinson Brown  Owen Johnson  Harry K. Rogers </div> </div>
<i>Health, State Board of, Secretary</i> ..	Travis P. Burroughs
<i>Highway Commissioner</i> .....	Frederic E. Everett
<i>Insurance Commissioner</i> .....	Arthur J. Rouillard
<i>Labor Commissioner</i> .....	John S. B. Davie
<i>State Board of Conciliation and Arbitration</i> .....	<div style="display: inline-block; vertical-align: middle;"> <div style="display: inline-block; vertical-align: middle; font-size: 3em; line-height: 1;">{</div> <div style="display: inline-block; vertical-align: middle;"> Walter F. Duffy  Karl E. Dowd  Karl E. Merrill </div> </div>
<i>Librarian, State</i> .....	Thelma Brackett
<i>Liquor Commission, State</i> .....	<div style="display: inline-block; vertical-align: middle;"> <div style="display: inline-block; vertical-align: middle; font-size: 3em; line-height: 1;">{</div> <div style="display: inline-block; vertical-align: middle;"> Arthur L. Carpenter  William A. Jackson  Leo L. Osborne </div> </div>
<i>Motor Vehicles, Commissioner of</i> ...	John F. Griffin
<i>Planning and Development, State</i>	
<i>Planning Director</i> .....	Frederick P. Clark
<i>Publicity Director</i> .....	Donald D. Tuttle

<i>Police, State, Superintendent</i> . . . . .	George A. Colbath
<i>Public Service Commission</i> . . . . .	{ William H. Barry Edgar H. Hunter Claude H. Swain
<i>Public Welfare, Board of</i> . . . . .	{ Charles E. Green John J. Hallihan Frank C. Remick
<i>Commissioner</i> . . . . .	Harry O. Page
<i>Purchasing Agent</i> . . . . .	Harold Cheney
<i>Secretary of State</i> . . . . .	Enoch D. Fuller
<i>Deputy</i> . . . . .	Harry E. Jackson
<i>Tax Commission, State</i> . . . . .	{ John G. Marston Dudley W. Orr John R. Spring
<i>Treasurer, State</i> . . . . .	F. Gordon Kimball
<i>Acting Deputy</i> . . . . .	Ann N. Durepo
<i>Weights and Measures, Commis- sioner of</i> . . . . .	William H. Marcotte, Jr.

## SUPREME COURT

<i>Chief Justice</i> . . . . .	John E. Allen
<i>Associate Justices</i> . . . . .	{ Oliver W. Branch Henri A. Burke Thomas L. Marble Elwin L. Page
<i>Attorney General</i> . . . . .	Frank R. Kenison
<i>Assistant Attorney General</i> . . . . .	Ernest R. D'Amours
<i>State Reporter</i> . . . . .	Crawford D. Hening
<i>Clerk of the Supreme Court</i> . . . . .	George O. Shovan

## SUPERIOR COURT

<i>Chief Justice</i> . . . . .	Oscar L. Young
<i>Associate Justices</i> . . . . .	{ Amos N. Blandin, Jr. Aloysius J. Connor Warren W. James Francis W. Johnston H. Thornton Lorimer

# THE LEGISLATURE OF 1941

## SENATE

*President*—William M. Cole, Derry, r.  
*Clerk*—Benjamin F. Greer, Grasmere, r.  
*Assistant Clerk*—Frank M. Ayer, Alton, r.  
*Sergeant-at-Arms*—Raymond B. Lakeman, Laconia, r.  
*Messenger*—Paul Amos Mansur, Concord, r.  
*Assistant Messenger*—Henry Phelps, Concord, r.  
*Doorkeeper*—William W. Allen, Concord, r.  
*Telephone Messenger*—Chester Jewell, Concord, r.

## SENATORS

Emmet J. Kelley, Berlin, d.	Arthur J. Renaud, Nashua, d.
Blake T. Schurman, Lancaster, r.	Clarence J. Avery, Goffstown, r.
Earl V. Howard, Piermont, r.	Charles W. Howard, Concord, r.
Elmer H. Downs, Conway, r.	Joseph H. Geisel, Manchester, r.
Joseph B. Perley, Lebanon, r.	John J. O'Reilly, Manchester, d.
Curtis H. Page, Gilmanton, r. and d.	J. Vincent Moran, Manchester, d.
Anson C. Alexander, Boscawen, r.	Charles O. Lamy, Manchester, d.
John H. Leahy, Claremont, r.	Edmond J. Marcoux, Rochester, d.
George Azro Maxham, Concord, r and d.	Carroll E. Hall, Dover, d.
Benjamin H. Bragg, Alstead, r.	William M. Cole, Derry, r.
William Weston, Hancock, r.	Renfrew A. Thomson, Exeter, r.
Philip C. Heald, Wilton, r. and d.	Arthur J. Reinhart, Portsmouth, d.

## HOUSE OF REPRESENTATIVES

*Speaker*—Charles H. Barnard, Manchester, r.  
*Clerk*—Cyril J. Fretwell, Concord, r.  
*Assistant Clerk*—Robert L. Stark, Goffstown, r.  
*Sergeant-at-Arms*—Guy S. Neal, Acworth, r.  
*Chaplain*—Edwin B. Young, Hillsborough, r.  
*Custodian of Mail and Supplies*—Harold Fournier, Concord, r.  
*Doorkeeper*—Lenne C. Twombly, Hill, r.  
*Doorkeeper*—Harry S. Yeaton, New Castle, r.  
*Doorkeeper*—Sherman L. Greer, Manchester, r.  
*Doorkeeper*—George Knowlton, Keene, r.

## ROCKINGHAM COUNTY

<i>Atkinson</i> , Harry B. Tuttle, r.	<i>Derry</i> , Edward E. Berthiaume, r.
<i>Auburn</i> , Harvey F. Stowe, r. and d.	Harold W. Corson, r. and d.
<i>Brentwood</i> , LeRoy M. Lake, r.	George H. Grinnell, r.
<i>Candia</i> , Eliot U. Wyman, r. and d.	Robert Morrison, r. and d.
<i>Chester</i> , Preston E. Goodrich, r.	<i>Epping</i> , Thomas W. Fecteau, d.
<i>Danville</i> , Mahlon C. Currier, r.	<i>Exeter</i> , Helen D. Bourn, r.
<i>Deerfield</i> , Carl M. Fogg, d.	Frank M. Cilley, r.

ROCKINGHAM COUNTY—*Continued*

*Exeter*, Frank R. Goodale, r.  
     Walter O. Pennell, r.  
*Fremont*, John E. Robbins, r.  
*Hampstead*, Doris M. Spollett, r.  
*Hampton*, Dean B. Merrill, r. and d.  
*Kensington*, Horace O. Evans, d.  
*Kingston*, Warren S. Keay, r.  
*Londonderry*, Frank A. Nesmith, r.  
*New Castle*, James W. Pridham, d.  
*Newfields*, Eugene C. Patridge, r.  
*Newington*, Charles W. Coleman,  
     r. and d.  
*Newmarket*, Arthur A. Labranche, d.  
     Eugene Rousseau, d.  
*Newton*, Robert S. Prescott, r.  
*North Hampton*, Paul W. Hobbs,  
     r. and d.  
*Northwood*, Robert A. Johnson, r. and d.  
*Nottingham*, Waldo H. Sanborn, r.  
*Plaistow*, John A. Palmer, r.

*Portsmouth,*

*Ward 1*, Andrew J. Barrett, d.  
     Mary C. Dondero, d.  
     Patrick J. Kittredge, d.  
*Ward 2*, Harry H. Foote, r.  
     Edwin W. Gray, r.  
     Alvin F. Redden, r.  
     John H. Yeaton, r.  
*Ward 3*, William S. Canty, d.  
     James R. McNeil, d.  
*Ward 4*, Frederick Schlegel, r. and d.  
*Ward 5*, John Burkhardt, r.  
     Patrick E. Kane\*, d.  
*Raymond*, Lewis W. Holmes, r. and d.  
*Rye*, Ernest A. Tucker, r.  
*Salem*, William Barron, r.  
     Leonard B. Peever, r.  
*Scabrook*, Lucien W. Foote, d.  
*Stratham*, Fred L. Jewell, r.

## STRAFFORD COUNTY

*Barrington*, Jack G. Hayes, r.  
*Dover*,  
     *Ward 1*, Clifton R. Hayes, r.  
         James M. Jackson, d.  
         Thomas H. Keenan, r.  
     *Ward 2*, Albert Courchene, d.  
         Daniel J. Cronin, d.  
         William N. Shaheen, d.  
     *Ward 3*, H. Howard Hartford, r.  
         A. Ray Kennard, r.  
     *Ward 4*, Edward J. Ackroyd, d.  
         George I. Leighton, r.  
         Ernest L. Lucas, r.  
     *Ward 5*, George E. Brennan, d.  
*Durham*, J. Guy Smart, r.  
*Farmington*, Carl C. Blanchard, r.  
     Frank E. Webster, r.  
*Lec*, David B. Bartlett, r.  
*Milton*, George W. Longley, r.  
*New Durham*, William Smith, r. and d.

*Rochester,*

*Ward 1*, George C. Nadeau, d.  
*Ward 2*, John F. Conrad, d.  
     George Y. Emerson\*, r.  
*Ward 3*, Samuel Hale, d.  
*Ward 4*, Aurelle Beaudoin, d.  
     George J. Potvin, d.  
*Ward 5*, Joshua Studley, r.  
*Ward 6*, Llewellyn F. Fernald, r.  
     O. William Hayes, r.  
*Rollinsford*, Forrest L. Nutter, d.  
*Somersworth*,  
     *Ward 1*, Albert Hamel, d.  
     *Ward 2*, Napoleon A. Habel, d.  
     *Ward 3*, Alfred J. Boucher, d.  
     *Ward 4*, Edmond G. Hebert, d.  
         Albert J. Nadeau, d.  
     *Ward 5*, Fred J. Coffin, d.  
*Strafford*, Ellsworth H. Berry, r.

## BELKNAP COUNTY

*Alton*, Charles A. Rollins, r.  
*Barnstead*, Joseph H. Cotton, r.  
*Belmont*, Samuel P. Philbrick, r.  
*Center Harbor*, Clarence E. Nichols,  
     r. and d.

*Gilford*, Arthur H. Lord, r. and d.  
*Gilmanton*, Morse E. Brown, d. and r.  
*Laconia*,  
     *Ward 1*, David O'Shan, r.  
     George W. Tarlson, r. and d.

\* Died.

BELKNAP COUNTY—*Continued**Laconia—Continued*

- Ward 2*, Alfred L. Gnay, d. and r.  
 Leonel C. Langlois, d.  
*Ward 3*, Elmer S. Tilton, r. and d.  
*Ward 4*, Joseph H. Roucher, r.  
 Frederick A. Tilton, r.  
*Ward 5*, Arthur R. Merrill, r.  
 Harry J. Rivers\*, r. and d.

- Ward 6*, John M. Ewing, r.  
 Charles O. Hopkins, r.  
*Meredith*, J. Frank Neal, r.  
 Leander G. Pynn, r.  
*New Hampton*, Joseph W. Smith, d.  
*Sanbornton*, Walter D. Woodman,  
 d. and r.  
*Tilton*, Ned C. Rogers, d.

## CARROLL COUNTY

- Bartlett*, Scott C. W. Simpson, r.  
*Conway*, Ralph L. Grindle, r.  
 Leslie C. Hill, r.  
 Chester M. Wiggin, Jr. r.  
*Freedom*, Fred Huntress, d.  
*Madison*, Guy W. Nickerson, r.  
*Moultonborough*, Edith D. Banfield, r.

- Ossipee*, Harry P. Smart, r.  
*Sandwich*, Perley C. Knox, r.  
*Tamworth*, Leonard H. Vittum, r. and d.  
*Tuftonboro*, Carl D. Hayes, r.  
*Wakefield*, Alden N. Young, r.  
*Wolfeboro*, Raymond E. Jewell, r. and d.  
 George F. Thibodeau, r.

## MERRIMACK COUNTY

- Allenstown*, Narcisse V. Guilbeault, d.  
*Andover*, Victor E. Phelps, d.  
*Boscawen*, Harry W. Carter, d.  
*Bow*, Asa H. Morgan, r. and d.  
*Bradford*, Reuben S. Moore, r.  
*Canterbury*, Frank L. Laird, d.  
*Chichester*, Leon A. Sanborn, r.  
*Concord*,  
*Ward 1*, Charles P. Coakley, d. and r.  
 William J. Veroneau, d.  
*Ward 2*, John E. Davis, r.  
*Ward 3*, Arthur F. Henry, r. and d.  
*Ward 4*, Albert S. Baker, r.  
 Sara E. Otis, r.  
 Robert W. Potter, r.  
*Ward 5*, William H. Fletcher, r.  
 George H. Nash, r.  
*Ward 6*, John S. Clinton, r.  
 Winslow H. Osborne, r.  
 Arthur F. Sturtevant, r.  
 John C. Tilton, r.  
*Ward 7*, Shirley Brunel, r. and d.  
 John E. Buntton, r.  
 Donald G. Matson, r.  
 Richard F. Upton, r. and d.  
*Ward 8*, John H. Mayo, d.

- Ward 9*, Joseph J. Comi, r.  
 J. Russ Sullivan, d.  
*Danbury*, John O. Ford, r.  
*Dumbarton*, Henry Milburn, r.  
*Epsom*, Edwin L. Bunker, r. and d.  
*Franklin*,  
*Ward 1*, Lester C. Maxfield, r.  
*Ward 2*, Eusebe P. Lemire, d.  
 J. Charles Riel, d.  
*Ward 3*, Louis H. Douphinett, d.  
 Charles D. Whittier, d.  
*Hemiker*, Diamond A. Maxwell, r.  
*Hill*, Ruth M. Rounds, r. and d.  
*Hooksett*, Edward M. DuDevoir, d.  
 Alphonse LaFond, d.  
*Hopkinton*, Lewis A. Nelson, r.  
*Loudon*, Martyn B. Kenney, r.  
*New London*, Herbert D. Swift, r. and d.  
*Northfield*, Albert A. Carr, r.  
*Pembroke*, Oscar I. Boisvert, d.  
 Antonio A. Dupont, d.  
*Pittsfield*, George E. Freese, r.  
 John H. Perkins, d.  
*Sutton*, William B. Connor, r.  
 Warner, Alfred S. Cloues, r.  
*Webster*, Adam E. Mock, r. and d.  
*Wilnot*, Ernest Stuart, r.

\* Died.

## HILLSBOROUGH COUNTY

*Amherst*, Ralph C. Bills, r. and d.  
*Antrim*, Hugh M. Graham, r.  
*Bedford*, Ralph M. Wiggin, r. and d.  
*Bennington*, George E. Edwards,  
r. and d.  
*Brookline*, Grover C. Farwell, d.  
*Francestown*, Carroll F. Clark, d. and r.  
*Goffstown*, F. Arthur Bartlett, d.  
John W. Brown, r.  
Ralph E. Wakefield, r.  
*Greenfield*, George A. Reynolds, r.  
*Greenville*, Bernadette E. Charois, d.  
*Hancock*, Frederic W. Gleason, r. and d.  
*Hillsborough*, George W. Boynton, r.  
Frank D. Gay, r. and d.  
*Hollis*, Edward Lievens, r.  
*Hudson*, Roland W. Abbott, r. and d.  
Edwin H. Morrill, d.  
*Lyndeborough*, Erwin E. Cummings,  
r. and d.  
*Manchester*,  
*Ward 1*, Stoddard B. E. Chase, r.  
Joel S. Daniels, Sr., r.  
Edward T. Knowlton, r.  
J. Walker Wiggin, r.  
*Ward 2*, Wayne D. Anderson, r.  
Charles H. Barnard, r.  
Robert E. Carter, r.  
Perley W. Gage, r.  
Charles E. Woodbury, r.  
*Ward 3*, Joseph M. Barry, d.  
Patrick F. Bresnahan, d.  
Timothy F. Dowd, d.  
Timothy J. Shea, d.  
Walter P. Sullivan, d.  
*Ward 4*, John J. Frain, d.  
Dominick J. Kean, d.  
Thomas J. McGowan, d.  
D. Frank O'Neil, d.  
*Ward 5*, Joseph J. Betley, d.  
Patrick J. Creighton, d.  
Napoleon Dulac, d.  
Joseph P. Healy, d.  
Arthur J. Lacroix, d.  
Martin L. Mahoney, d.  
John C. O'Brien, d.  
*Ward 6*, William J. Booth, d.  
John G. Clancy, d.  
Thomas J. Connolly, d.

Frank M. Fox, Jr., d.  
Patrick J. O'Connell, Jr., d.  
James E. Slowey, d.  
*Ward 7*, Armand J. Benoit, d.  
Joseph C. Gaumont, d.  
Mark J. Gorham, d.  
Arthur J. Jean, d.  
Alonzo J. Tessier, d.  
Gedeon A. Turcotte, d.  
*Ward 8*, Edmond Benoit, d.  
Joseph Chevrete, d.  
George N. Constant, d.  
Eugene Delisle, Jr., d.  
Michael S. Donnelly, d.  
John J. Kane, d.  
Leonard L. Provencher, d.  
Pete H. Roy, d.  
*Ward 9*, Clarence F. Adams, d.  
John F. Driscoll, d.  
Patrick J. Egan, d.  
*Ward 10*, Marye L. Caron, d.  
Oscar E. Getz, d.  
Medora Gilmartin, d.  
William F. Stewart, d.  
*Ward 11*, Hubert T. Carroll, d.  
Thomas J. Conway, Jr., d.  
Francis P. Grady, d.  
Joseph J. Roukey, d.  
*Ward 12*, Joseph P. Aubin, d.  
J. Charles Durette, d.  
Henry Huard, d.  
Albert H. Prince, d.  
Hector J. Rousseau, d.  
*Ward 13*, Charles E. Daniel, d.  
Adolphe Duval, d.  
Origene E. Lesmerises, d.  
Arthur Thibodeau, d.  
Roland M. Turgeon, d.  
*Merrimack*, Edward W. Carter, r.  
*Milford*, George L. Ellison, r. and d.  
George F. Jewett, r.  
Fred T. Wadleigh, r.  
*Nashua*,  
*Ward 1*, Blaylock Atherton, r.  
Mabel Thompson Cooper, r.  
Walter N. Davis, r.  
Charles I. Woodbury, r.  
*Ward 2*, Fred E. Landry, d.  
John L. Sweeney, d.



## HILLSBOROUGH COUNTY—Continued

## Manchester—Continued

- Ward 3, Emile Carrier, d.  
 Octave J. Goulet, d.  
 Hector Trombley, d.
- Ward 4, George D. Spalding, d.  
 Timothy J. Sullivan, d.
- Ward 5, Arthur Bilodeau, d.  
 Amedee Plourde, d.  
 Leonard G. Velishka,  
 d. and r.
- Ward 6, Louis W. Paquett, d.  
 Frank B. Shea, d.  
 Robert St. Francois, d.
- Ward 7, Alfred Betters, d.  
 Aimable B. Goyette, d. and r.

- Dennis F. Sweeney, d.
- Ward 8, Rodolphe Cormier, d.  
 Wilfred J. Grandmaison, d.  
 Honore D. LeBlanc, d.  
 John D. Wilcox, d.
- Ward 9, Paul E. Bouthillier, d.  
 Auguste Senechal, d.
- New Boston, Albert E. Shedd, r. and d.
- New Ipswich, William T. Thompson,  
 r. and d.
- Pelham, Ernest Q. Bigelow, r. and d.
- Peterborough, Perkins Bass, r.  
 George A. Mylhave, r.
- Wcare, Frank H. Peaslee, r.
- Wilton, Peter J. Dugan, r.

## CHESHIRE COUNTY

- Alstead, Donald W. Moore, r. and d.
- Chesterfield, E. James Winslow, r.
- Dublin, Charles R. Thomas, r.
- Fitzwilliam, George F. Miller, r. and d.
- Gilsum, Pauline I. Hanson, r.
- Harrisville, John N. Clark, d.
- Hinsdale, Abbie H. Robertson, r. and d.
- Jaffrey, George H. Duncan, d.  
 Charles M. Mills, r.

## Keene,

- Ward 1, Ben O. Aldrich, r. and d.  
 Francis P. Callahan, r.  
 Eugene J. Pelletier, d.  
 Russell F. Batchelor, r.
- Ward 2, Sidney S. Frissell, r.  
 Guy F. Lombard, r.

- Ward 3, James Cowling Hilton†, r.  
 Wallace E. Mason, r.
- Ward 4, Harry C. Lichman, r.  
 Robert M. Sayers, r.
- Ward 5, John M. Duffy, d.  
 Lawrence M. Pickett, d.
- Marlborough, Ray E. Tarbox, r. and d.
- Rindge, Henry M. Hale, r. and d.
- Swansey, Ralph A. Blake, r. and d.  
 Bert W. Wheeler, r. and d.
- Troy, John N. Grimes, d.
- Walpole, Francis Doucette, d.  
 Harold O. Pierce, r.
- Westmoreland, Earl Brennan, r. and d.
- Winchester, Frederick H. Ingham, r.  
 Luman R. Nelson, r.

## SULLIVAN COUNTY

- Acworth, Ellis E. Higley, r. and d.
- Charlestown, Frank W. Hamlin, r.
- Claremont, Arthur W. Barrows, d.  
 Louis A. Beland, d.  
 James D. Daly, d.  
 Minnie C. Decker, d.  
 Harry J. Delorier, d.  
 William L. Gaffney, d.  
 Alfred J. Marcotte, d.  
 Edward J. Mercier, Jr., d.  
 Owen J. Murphy, d.

- Cornish, Harry D. Witherill, r.
- Goshen, Lester E. Brigham, r. and d.
- Lempster, Fred A. Barton, r. and d.
- Newport, Elsie C. Bailey, d.  
 John J. Condon, d.  
 Leon E. Kempton, d.  
 Edward J. Maley, d.
- Plainfield, Fred A. Mark, r.
- Springfield, Seely W. Philbrick, r. and d.
- Sunapee, Leo L. Osborne, d. and r.
- Unity, George B. Cram, d.

† Resigned.

## GRAFTON COUNTY

<i>Alexandria</i> , Harry D. Rollins, r. and d.	Frank X. Guay, d.
<i>Ashland</i> , William A. Brown, d.	Napoleon A. Jette, d.
<i>Bath</i> , Amos N. Blandin, d.	Frank Kelley, d.
<i>Bethlehem</i> , George T. Noyes, r.	<i>Lincoln</i> , Sherman Adams, r.
<i>Bristol</i> , John W. Coolidge, r. and d.	<i>Lisbon</i> , James E. Collins, r.
<i>Campton</i> , Bertram W. Pulsifer, r. and d.	Arthur L. Hamilton, r.
<i>Canaan</i> , Frank B. Clarke, r.	<i>Littleton</i> , Clare R. Blount, r.
<i>Enfield</i> , Isaac H. Sanborn, r.	Lawrence W. Collins, r.
<i>Franconia</i> , William P. Hodge, r. and d.	Mabel M. Downing, r.
<i>Grafton</i> , Henry M. Valia, r. and d.	Henry F. Whitcomb, r.
<i>Hanover</i> , Archie B. Gile, r.	<i>Lyme</i> , Frank H. Bailey, r. and d.
Charles A. Holden, r.	<i>Monroe</i> , Harlan J. Johnson, r.
Edgar H. Hunter, r.	<i>Orford</i> , Charles L. Cushman, r.
<i>Haverhill</i> , Alec J. Cryan, r.	<i>Piermont</i> , Ernest D. Day, r.
Lewis E. Davison, r. and d.	<i>Plymouth</i> , Kenneth G. Bell, r. and d.
Frank R. Dean, r.	Harry A. Merrill, d.
<i>Holderness</i> , Harold E. Haley, r. and d.	<i>Rumney</i> , Jesse A. Barney, r. and d.
<i>Landaff</i> , Roscoe J. Oakes, d.	<i>Thornton</i> , Kenneth Robbins, r.
<i>Lebanon</i> , Earl T. Burby, d.	<i>Warren</i> , Ira H. Morse, r. and d.
Daniel E. Butler, d.	<i>Wentworth</i> , Charles A. Gilbert, d.
Matthew S. Gile, d.	<i>Woodstock</i> , Harry D. Sawyer, d. and r.

## COOS COUNTY

<i>Berlin</i> ,	<i>Carroll</i> , Joseph A. Seymour, d.
<i>Ward 1</i> , Peter Collette, d.	<i>Colebrook</i> , Clark Fuller, r.
Edward F. Hinchey, d.	Samuel A. Weeks, r.
Elisabeth H. Mason, d. and r.	<i>Columbia</i> , Albion Parkhurst, r.
Henry M. Moffett, d. and r.	<i>Dalton</i> , William O. Emerson, r.
Henry A. Smith, d.	<i>Gorham</i> , Charles A. Chandler, d.
<i>Ward 2</i> , Mark E. Evans, d.	James A. Fraser, d.
Clara A. Lazure, d.	<i>Jefferson</i> , Raymond G. Kimball, r. and d.
Ovila Lemieux, r.	<i>Lancaster</i> , Arthur C. Cryan, r.
George T. Studd, d.	Lula J. A. Morris, r.
<i>Ward 3</i> , Hilda C. F. Brungot, r.	<i>Milan</i> , Lloyd E. Fogg, r. and d.
Marie A. Christiansen, r.	<i>Northumberland</i> , William H. Ashe, Jr., d.
Raoul L. Ramsey, d.	Donald W. Marshall, d.
<i>Ward 4</i> , Esther C. Bixby, d.	<i>Pittsburg</i> , Frank W. Baldwin, r.
Alphonsine M. Dugas,	<i>Stewartstown</i> , George M. Weeks,
d. and r.	r. and d.
Rebecca Gagnon, d.	<i>Stratford</i> , Ralph M. Hutchins, d.
Fred G. Hayes, Jr., d.	<i>Whitefield</i> , Carl E. Taylor, r. and d.

LAWS  
OF THE  
STATE OF NEW HAMPSHIRE  
PASSED JANUARY SESSION, 1941

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**CHAPTER 1.**

AN ACT RELATIVE TO THE OATH TO BE TAKEN BY ABSENTEE  
VOTERS.

*Be it enacted by the Senate and House of Representatives in  
General Court convened:*

**1. Absent Voting.** Amend the paragraph relative to the form of oath to be taken by an absent voter, being a part of paragraph III of section 61 of chapter 26 of the Public Laws (commissioners' report paragraph III, section 61, chapter 34) by striking out the words "personally known to me" so that said paragraph shall read as follows: Subscribed and sworn to before me by the above affiant this.....day of....., 19....., in the city or town of....., State of....., and I hereby certify that when I was alone with the affiant, the affiant in my presence marked the ballot without my seeing how he marked it, after which he sealed said ballot in this envelope. I had no communication with the affiant as to how he was to vote. (Seal, if any)

Name .....

Official Title .....

Residence .....

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved February 11, 1941.]

## CHAPTER 2.

### AN ACT RELATING TO ZONING.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1. Powers of Zoning Board.** Amend paragraph V of section 60, chapter 42 of the Public Laws (paragraph V of section 60, chapter 51 of the Revised Laws, commissioners' report) by striking out said paragraph V and inserting in its place the following: V. The concurring vote of three members of the board shall be necessary to reverse any action of such administrative official, or to decide in favor of the applicant on any matter upon which it is required to pass under any such ordinance, or to effect any variation in such ordinance.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved February 11, 1941.]

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## CHAPTER 3.

### AN ACT RELATIVE TO STATEMENTS OF COUNTY COMMISSIONERS TO THE CONVENTION.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1. Date for Filing.** Amend section 11 of chapter 35 of the Public Laws, as amended by chapter 18 of the Laws of 1931 (section 13, chapter 44, commissioners' report) by striking out in the third line the words "fourth Wednesday" and inserting in place thereof the words, last day of February, so that said section as amended shall read as follows: **11. Commissioners' Statement.** The county commissioners shall send to the secretary of state, prior to the last day of February of each biennial session of the legislature, a statement of the condition of the county treasury on the preceding December thirty-first, accompanied by their recommendation of the sums necessary to be raised for the county in each of the two years next ensuing, stating therein in detail the objects for which the money is required; and the secretary of state shall deliver the same to the clerk of the convention, upon request.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved February 20, 1941.]

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## CHAPTER 4.

AN ACT RELATIVE TO COMMITMENT TO THE STATE HOSPITAL.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1. Commitment to the State Hospital.** Amend section 11 of chapter 11 of the Public Laws, as amended by chapter 63, Laws of 1935 (section 11, chapter 17, of the commissioners' report) by striking out said section and inserting in place thereof the following: **11. Authority to Cause Commitment.** Subject to the provisions of section 18, the parent, guardian or friends of any insane person or the board of selectmen in towns or chief of police or his deputy in cities or board of county commissioners in counties may cause said insane person to be committed to the hospital, with the consent of the trustees, and there supported on such terms as they may agree.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved February 20, 1941.]

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## CHAPTER 5.

AN ACT RELATIVE TO TOWN CONTRIBUTIONS TO SECONDARY HIGHWAYS.\*

*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1. Secondary Highway System.** Amend section 4 of chapter 67 of the Laws of 1937 (section 38, chapter 100, commissioners' report) by striking out said section and inserting in place thereof the following: **4. Completion.** No town through which highways included in said system, designated as 2A or Orange system, pass shall receive any state aid for highway improvements except on said highways until said im-

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\*See also chapter 40, *post*.

provements thereon shall have been completed within such town. Provided, however, that towns having five miles or more of said 2A road still to build, shall be exempt from the provisions hereof; and such towns may choose either town road aid or state aid in construction or both at their option. The provisions of section 18 of chapter 84 of the Public Laws, as amended by section 3 of chapter 17 of the Laws of 1935 are suspended so far as they conflict with the provisions hereof.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved February 26, 1941.]

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## CHAPTER 6.

### AN ACT RELATING TO THE INCORPORATION AND POWERS OF INSURANCE COMPANIES.

*Be it enacted by the Senate and House of Representatives in  
General Court convened:*

**1. Purposes for Which Companies May Insure.** Amend paragraph I, section 1 of chapter 272 of the Public Laws (commissioners' report, chapter 313, section 1, paragraph I) as amended by chapter 135 of the Laws of 1931 and chapter 128 of the Laws of 1937, by inserting after the word "vehicles" in the seventh line the words breakage or leakage of water pipes or other conduits or containers or against loss or damage by water entering through leaks or openings in buildings; so that said paragraph as amended shall read as follows: I. On property and rents and use and occupancy, against loss or damage by fire, smoke, smoke smudge, and lightning (whether such loss or damage is caused by burning or otherwise); against loss or damage by earthquake, hail, flood, rain, or drouth, rising of the waters of the ocean or its tributaries, windstorm, or other action of the elements; against loss or damage from insects, diseases, or other causes to trees, crops, or other products of the soil; explosion (other than the explosion of steam boilers or flywheels); riot, strike, or civil commotion; war, sabotage, bombardment, invasion, military or usurped power; vandalism or malicious mischief; impact by aircraft or vehicles; breakage or leakage of water pipes or other conduits or containers or against loss or

damage by water entering through leaks or openings in buildings; breakage or leakage of apparatus erected for extinguishing fires and on such apparatus against loss or damage by accidental injury and against liability of the insured for loss or damage to property caused thereby.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved February 26, 1941.]

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## CHAPTER 7.

AN ACT DEFINING THE TERM DISTRIBUTOR UNDER THE PROVISIONS RELATIVE TO MILK CONTROL.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1. Milk Control Act.** Amend section 1 of chapter 107 of the Laws of 1937 (commissioners' report, chapter 192) by striking out the definition of the term distributor and inserting in place thereof the following: "Distributor," means any person who produces and sells, who purchases for sale or sells, or who receives on consignment for sale, more than two quarts of milk daily within the state for consumption, disposition or use within the state, except those who sell milk for consumption on the premises. A producer who delivers or sells milk to a distributor only shall not be deemed a distributor.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved February 26, 1941.]

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## CHAPTER 8.

AN ACT PROVIDING FOR AN EXTENSION OF THE ACT RELATIVE TO THE ISSUANCE WITH STATE GUARANTEE OF EMERGENCY NOTES AND BONDS BY TOWNS, CITIES AND COUNTIES.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1. Provisions Extended.** Amend section 8 of chapter 63, Laws of 1933, as amended by chapter 39, Laws of 1935, chapter 1, Laws of 1937, and chapter 38, Laws of 1939, by

striking out said section and inserting in place thereof the following: 8. **Duration of Authority.** The authority given to the governor and council to issue certificates of emergency or to guarantee the payment of loans made by virtue of such certificates shall continue for the term of ten years from the date of the passage of this act, but all other provisions of this act shall remain in force until the loans authorized by this act have been fully paid.

2. **Takes Effect.** This act shall take effect upon its passage.

[Approved February 26, 1941.]

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## CHAPTER 9.

### AN ACT RELATIVE TO LABELING COMMERCIAL FEEDING-STUFFS, FOR FARM LIVE STOCK.

*Be it enacted by the Senate and House of Representatives in  
General Court convened:*

1. **Commercial Foods.** Amend section 1 of chapter 184 of the Public Laws, as amended by chapter 72, Laws of 1929 (section 1, chapter 218, commissioners' report) by striking out the words "the minimum percentage only of carbohydrates" so that said section as amended shall read as follows:

1. **Labeling.** Every person who shall sell, offer or expose for sale or for distribution in this state any concentrated commercial feeding-stuff used for feeding farm live stock shall furnish with each car or other quantity shipped in bulk, and shall affix to every package of such feeding-stuff, in a conspicuous place on the outside thereof, a plainly printed statement clearly and truly certifying the number of net pounds in the package sold or offered for sale, the name or trademark under which the article is sold, the name of the manufacturer, shipper, or for whom the product is manufactured, the place of manufacture, the place of business, and a chemical analysis stating the minimum percentages only which it contains of crude protein (allowing one per cent of nitrogen to equal six and one-fourth per cent of protein), the minimum percentage only of crude fat, and the maximum percentage only of crude fibre, each constituent to be determined by the methods prescribed by the association of official agricultural chemists, and shall state in bold type upon the container or a tag attached



thereto, if a compounded feed, the names of the several ingredients therein contained.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved February 26, 1941.]

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## CHAPTER 10.

### AN ACT RELATING TO TOWN AUDITORS.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1. Town Auditors.** Amend section 26, chapter 47 of the Public Laws (section 26, chapter 59, commissioners' report) by striking out the whole section and inserting in place thereof the following: **26. Choice; Duties.** All towns may, and all towns except those requesting an audit by the municipal accounting division of the state tax commission or which employ a certified public accountant for the purpose, shall at the annual meeting choose one or more auditors who shall carefully examine the accounts of the selectmen, town treasurer, town clerk, clerk or other person acting as clerk of a municipal court, collector of taxes and any other officer or agent handling funds of a town, at the close of each fiscal year and at other times whenever necessary, and report to the town whether the same are correctly cast and well vouched.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved February 27, 1941.]

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## CHAPTER 11.

### AN ACT INCREASING FEES OF TOWN CLERKS FOR SERVICES RELATIVE TO VITAL STATISTICS.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1. Town Clerk.** Amend section 11, chapter 285, Public Laws, as amended by chapter 61 of the Laws of 1929 (section 11, chapter 328, commissioners' report) by striking out in the fourth line the word "twenty-five" and inserting in place

thereof the word, fifty, so that said section as amended shall read as follows: **11. Fees.** The town shall pay the following fees for services required by this chapter: To a person who makes return of a birth, marriage or death, twenty-five cents; to the town clerk for receiving, recording and returning the facts, fifty cents.

**2. Change in Fees.** Amend section 14 of said chapter 285 (section 14 of said chapter 328) by striking out in lines one and two the word "twenty-five" and inserting in place thereof the word fifty, so that said section as amended shall read as follows: **14. Unreported Facts.** The clerk of each town shall be paid fifty cents for obtaining, recording and returning the facts relating to each birth, marriage or death, which has not been officially reported to him; and a like sum for obtaining and properly inserting in the records and returns the name of any child which may have been omitted from the official return of a birth made to such town.

**3. Takes Effect.** This act shall take effect upon its passage.

[Approved February 27, 1941.]

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## CHAPTER 12.

AN ACT RELATING TO REPORTS ON THE OPERATION OF COLD STORAGE WAREHOUSES.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1. Repeal.** Section 5 of chapter 138 of the Public Laws, (section 5, chapter 161, commissioners' report) requiring quarterly reports from cold storage licensees, is hereby repealed.

**2. Repeal.** Section 15 of chapter 138 of the Public Laws, (section 15, chapter 161, commissioners' report) requiring reports on extensions of period of storage in certain cases to be included in the biennial report of the state board of health, is hereby repealed.

**3. Takes Effect.** This act shall take effect upon its passage.

[Approved March 4, 1941.]

**CHAPTER 13.**

AN ACT RELATING TO DOCUMENTS IN THE OFFICE OF THE INSURANCE COMMISSIONER.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1. Insurance Department.** Amend section 22 of chapter 271 of the Public Laws, as inserted by section 1 of chapter 24, Laws of 1939, (section 24, chapter 312, commissioners' report) by striking out the words "of insurance companies which have been filed with" in the third line, and inserting in place thereof the word in, and by striking out the word "and" in the fourth line, so that said section as amended shall read as follows: **22. Disposal of Reports and Records.** The commissioner may destroy at the end of ten years from the date of filing, reports and records in the insurance department which, in his opinion, are no longer of any value to the state.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved March 4, 1941.]

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**CHAPTER 14.**

AN ACT RELATING TO THE SALARY OF THE JUSTICE OF THE MUNICIPAL COURT OF DERRY.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1. Salaries, Justices Municipal Courts.** Amend paragraph I, section 32, chapter 323 of the Public Laws, as inserted by chapter 47 and amended by chapter 154 of the Laws of 1933 and chapter 87 of the Laws of 1935 and chapter 18 of the Laws of 1939 (section 31, chapter 367, commissioners' report) by adding at the end thereof the following: In Derry, six hundred dollars, so that said paragraph as amended shall read as follows:

- I. In Manchester, two thousand four hundred dollars;
- In Nashua, two thousand dollars;
- In Concord, one thousand eight hundred dollars;
- In Portsmouth, one thousand eight hundred dollars;
- In Dover, one thousand five hundred dollars;

In Laconia, one thousand two hundred dollars;  
In Keene, one thousand two hundred dollars;  
In Claremont, one thousand two hundred dollars;  
In Berlin, one thousand two hundred dollars;  
In Lebanon, eight hundred dollars;  
In Newport, seven hundred dollars;  
In Exeter, six hundred dollars;  
In Somersworth, five hundred dollars;  
In Franklin, six hundred dollars;  
In Rochester, nine hundred dollars;  
In Littleton, six hundred dollars;  
In Milford, four hundred dollars;  
In Derry, six hundred dollars.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved March 4, 1942.]

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## CHAPTER 15.

### AN ACT RELATIVE TO MANAGEMENT OF THE STATE PRISON INDUSTRIES.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1. Authority of Trustees of the State Prison.** Amend section 8 of chapter 400 of the Public Laws (section 8, chapter 453, commissioners' report) by adding at the end thereof the following new paragraph: IX. It shall be the duty of the warden to conduct and manage, under the direct supervision of the trustees of the prison, the industries at the prison.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved March 6, 1941.]

## CHAPTER 16.

AN ACT RELATING TO COST OF BRIEFS IN THE SUPREME COURT.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1. Amendment.** Amend section 28, chapter 315 of the Public Laws, (section 25, chapter 359, commissioners' report) by striking out said section and inserting in place thereof the following new section: **28. Briefs.** The prevailing party shall be entitled to tax and recover of the adverse party for the preparation and printing of the briefs of his counsel, the sum of ten dollars together with the actual cost of printing not more than twenty-five copies of the briefs, to be allowed by said court, if copies thereof have been furnished, as provided in section 11, within the time limited by rules of the court or any special order made in the case.

**2. Takes Effect.** This act shall take effect April 1, 1941.  
[Approved March 13, 1941.]

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## CHAPTER 17.

AN ACT FOR RELIEF ON BANK'S PETITION.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1. Inactive Accounts in Savings Banks.** Amend chapter 261 of the Public Laws by inserting after section 41 (section 26, chapter 300, commissioners' report) the following new section: **41-a. Relief on Bank's Petition.** Upon petition by or in behalf of any savings bank desiring, for any reason, to pay any deposit and unable to locate the owner thereof, the superior court may, upon such notice to the bank commissioner, the attorney-general and other interested parties as it may order, and upon satisfactory evidence that diligent effort has been made to locate such owner, decree that such deposit shall be paid into the state treasury.

**2. Payments into State Treasury.** Amend section 42 of chapter 261, Public Laws (section 27, chapter 300, commissioners' report) by striking out said section and inserting in place thereof the following: **42. Disposition.** The state treasurer shall receive and receipt for all deposits paid into

the treasury under any decree made under sections 41 or 41-a, and shall dispose of them as provided for the disposition of unclaimed dividends of insolvent institutions by chapter 268.

**3. Takes Effect.** This act shall take effect upon its passage.

[Approved March 13, 1941.]

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## CHAPTER 18.

AN ACT RELATIVE TO REINSTATEMENT OF STATE OFFICIALS AND  
EMPLOYEES WHO ENTER INTO THE MILITARY OR NAVAL  
SERVICE OF THE UNITED STATES FOR NATIONAL  
DEFENSE IN THE PRESENT EMERGENCY.

*Be it enacted by the Senate and House of Representatives in  
General Court convened:*

**1. Reinstatement of Officials and Employees.** Any state official or employee who is ordered into or enlists in the military or naval service of the United States in connection with the strengthening of the national defense in the present emergency shall at the completion of such emergency plus such time as he is retained in the service under the terms of the National Defense Act, provided he makes application for reinstatement within forty days after he is relieved from such service, be reinstated in the state service in the position he held at the time of entering such federal service with the same status and compensation, or to a position of like status and compensation. If during the absence of said official or employee from the state service there has been any change in the status or compensation of the position which he formerly held the governor and council shall determine to what position he shall be assigned and they may make rules and regulations to effectuate the purposes of this act.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved March 13, 1941.]

## CHAPTER 19.

### AN ACT RELATING TO SMOKING IN THE WHITE MOUNTAIN NATIONAL FOREST.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1. White Mountain National Forest.** Amend section 40-a, chapter 191, Public Laws, as inserted by chapter 110, Laws of 1939 (section 42, chapter 225, commissioners' report) by striking out said section and inserting in place thereof the following: **40-a. Trespass and Smoking Prohibited.** It shall be unlawful for any person to enter upon, or to smoke upon, lands of the United States of America known as the White Mountain National Forest, as now or hereafter constituted, at any time when such entry or smoking shall be forbidden by valid order made for the purpose of protecting said forest from forest fire, pursuant to the laws of the United States.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved March 13, 1941.]

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## CHAPTER 20.

### AN ACT RELATING TO THE OFFICE OF ATTORNEY-GENERAL.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1. Salaries; Expenses; Offices.** Amend section 4 of chapter 16 of the Public Laws (section 4, chapter 24, commissioners' report) by striking out said section and inserting in place thereof the following: **4. Salaries; Expenses; Offices.** The annual salary of the attorney-general shall be six thousand dollars and that of the assistant attorney-general shall be four thousand dollars. They shall, in addition, be paid their reasonable expenses incurred in the performance of their duties, to be audited and allowed by the governor and council. Their offices shall be in Concord, and the reasonable expenses thereof, including suitable furniture, equipment and supplies, shall be paid by the state upon approval by the governor and council.

**2. Repeal.** Section 6 of chapter 16 of the Public Laws (section 6, chapter 24, commissioners' report) relative to the right of the attorney-general to engage in private practice, is hereby repealed.

**3. Takes Effect.** This act shall take effect upon its passage.

[Approved March 13, 1941.]

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## CHAPTER 21.

AN ACT RELATING TO INVESTMENT OF TRUST FUNDS OF TOWNS.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1. Town Trust Funds.** Amend section 22, chapter 42, Public Laws, as amended by chapter 100, Laws of 1929, chapter 46, Laws of 1933 and section 11, chapter 72, Laws of 1939 (section 22, chapter 51, commissioners' report) by adding after the word "state" in the eleventh line the words, and such stocks and bonds as are legal for investment by New Hampshire savings banks, so that said section as amended shall read as follows: **22. Custody; Investments.** The trustees shall have the custody of all trust funds held by their town. The funds shall be invested only by deposit in some savings bank or in the savings department of a national bank or trust company in this state, or in shares of any building and loan association or co-operative bank, incorporated and doing business under the laws of this state, or in the shares of any federal savings and loan association, located and doing business in this state, or in bonds, notes or other obligations of the United States government, or in state, county, town, city, school district, water and sewer district bonds and the notes of towns or cities in this state; and such stocks and bonds as are legal for investment by New Hampshire savings banks; and when so invested the trustees shall not be liable for the loss thereof. The trustees may retain investments as received from donors, until the maturity thereof.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved March 18, 1941.]



## CHAPTER 22.

AN ACT RELATIVE TO DISTRIBUTION OF SESSION LAWS TO  
LIBRARIES OUTSIDE OF THE STATE.

*Be it enacted by the Senate and House of Representatives in  
General Court convened:*

**1. Free Distribution.** Amend section 10, chapter 5, Public Laws, as amended by section 3, chapter 28, Laws of 1931 (commissioners' report, section 11, chapter 10) by striking out said section and inserting in place thereof the following: **10. Distribution of Acts, Resolves, etc.** One copy of each publication provided for in sections 2, 5, 6, and 8 shall be sent by the department responsible for its issue, free of charge except as hereinafter provided, to each of the following officers and bodies: Governor, each member of the council, each department and institution of the state, the justices and clerks of the supreme and superior courts, each free public library established under the laws of the state, the town clerk of each town, the library of Congress, and the state or territorial library of each state and territory in the United States. Provided, that in case any state or territory makes a charge to the New Hampshire state library for copies of its laws the secretary of state is hereby authorized to make the proper charge for copies of the laws of New Hampshire when forwarded to the state or territorial library of such state or territory. Said departments may make such further free distribution of such publications as they may deem wise, or as the governor and council may direct; provided that each member of the legislature shall be furnished one copy of the manual and of the session laws and one copy of each departmental and institutional report on application.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved March 18, 1941.]

## CHAPTER 23.

AN ACT RELATIVE TO THE STATE FOREST RESERVATION AND PARK  
ESTABLISHED IN THE TOWN OF PITTSBURG.

*Be it enacted by the Senate and House of Representatives in  
General Court convened:*

**1. Name Given.** The state forest reservation and park established in the town of Pittsburg under the provisions of chapter 92 of the Laws of 1935 in connection with the gift of land to the state from the New Hampshire-Vermont Lumber Company and the construction of a road to the Canadian border is hereby designated and named The George D. Roberts Park.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved March 19, 1941.]

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## CHAPTER 24.

AN ACT TO REGULATE THE PAYMENT OF DIVIDENDS BY GUARANTY  
SAVINGS BANKS.

*Be it enacted by the Senate and House of Representatives in  
General Court convened:*

**1. Guaranty Savings Banks.** Amend chapter 261 of the Public Laws by adding after section 25 (section 17, chapter 300, commissioners' report) the following new section: **26. Interest Rates.** All savings banks incorporated and doing business upon the guaranty system shall, subject to the provisions of section 19 of this chapter, pay such rate of interest on general deposits as the trustees or directors thereof may vote from time to time.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved March 19, 1941.]

## CHAPTER 25.

AN ACT RELATING TO BUILDING AND LOAN ASSOCIATIONS.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1. Building and Loan Associations.** Amend chapter 266 of the Public Laws (chapter 305 of the commissioners' report) by inserting after section 9-b, inserted by section 1, chapter 106, Laws of 1937, the following new sections: **9-c. Limitation on Loans.** Not more than ten thousand dollars shall be loaned on the security of a first lien upon any property. **9-d. Applications for Mortgage Loans.** No mortgage loan shall be made except upon written application showing the date, name of applicant, amount asked for and security offered, and upon report of not less than two members of the board of directors who shall certify on said application, according to their best judgment, the value of the premises to be mortgaged; and such application shall be filed and preserved with all other papers relating to the loan.

**2. Borrowers as Members.** Amend section 7 of said chapter 266 (section 7, chapter 305, commissioners' report) by adding at the end thereof the words: A borrower who is not a shareholder shall be a member and shall be entitled to vote in the same manner as a shareholder, so that said section as amended shall read as follows: **7. Voting.** Each shareholder shall be entitled to give one vote upon any proposition brought before a meeting of shareholders, and no more; and no shareholder shall vote by proxy. A borrower who is not a shareholder shall be a member and shall be entitled to vote in the same manner as a shareholder.

**3. Investment Share Certificates.** Amend section 25 of chapter 266 of the Public Laws as amended by section 2, chapter 82, Laws of 1935, section 5, chapter 106, Laws of 1937, and section 7, chapter 72, Laws of 1939 (section 33, chapter 305, commissioners' report) by striking out the following: "The amount of investment share certificates which may be issued shall not exceed twenty per cent of other liabilities," so that said section as amended shall read as follows: **25. Investment Share Certificates.** For the purpose of obtaining funds for loans on New Hampshire homes, such associations may issue investment share certificates bearing dividends at a rate not to exceed five per cent per

annum payable semi-annually. No person shall hold more than two thousand dollars in these share certificates. Withdrawal of investment share certificates shall be subject to the same provisions as apply to paid-up share certificates.

**4. Takes Effect.** This act shall take effect upon its passage.

[Approved March 20, 1941.]

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## CHAPTER 26.

AN ACT RELATIVE TO EXPENDITURES OF STATE AID FOR RURAL  
POST ROADS AND CLASS V HIGHWAYS.

*Be it enacted by the Senate and House of Representatives in  
General Court convened:*

**1. Rural Post Roads and Class V Highways.** Amend section 26-c, chapter 84, Public Laws, as inserted by section 9, chapter 17, Laws of 1935 (section 26, chapter 100, commissioners' report) by striking out said section and inserting in place thereof the following: **26-c. Expenditures.** The sum set apart by a city, town, or unincorporated place under the provisions of section 26-a, together with the amount apportioned by the highway commissioner as provided by section 26, shall constitute a joint fund to be expended for the improvement and maintenance of rural post roads and class V highways under the supervision of, and on locations approved by, the highway commissioner. Such improvement and maintenance shall be under the direction of a person or persons appointed by the selectmen of a town, or by such board as has jurisdiction over highway expenditures in a city, subject to approval by the highway commissioner. Not more than fifteen hundred dollars shall be expended for each mile of road improved in any one year from funds provided hereunder, except by written permission of the commissioner.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved March 20, 1941.]

## CHAPTER 27.

## AN ACT RELATIVE TO TAKING LOBSTER AND CRABS.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1. Regulations for Taking Crabs.** The provisions of sections 41 to 53, inclusive, of chapter 201 of the Public Laws, as inserted by chapter 169, Laws of 1939 (sections 41 to 53, inclusive of chapter 236, commissioners' report) and as hereinafter amended, relative to taking lobster, shall apply to the taking of crabs in any manner from any waters under the jurisdiction of the state.

**2. Taking Crabs.** Amend section 43 of said chapter 201 (section 43 of said chapter 236) by striking out said section and inserting in place thereof the following: **43. Who May Take Lobsters and Crabs.** No person shall take lobsters or crabs from the waters of New Hampshire unless he is a *bona fide* resident of the state, and no license shall be issued to a person unless he shall furnish proof that he has resided within the state for at least five years preceding his application for a license and has not during that time claimed a residence in any other state for any purpose.

**3. Search and Seizure.** Amend section 52 of said chapter 201 (section 52 of said chapter 236) by striking out said section and inserting in place thereof the following: **52. Search and Seizure.** Any conservation officer shall have power: I. To search without a warrant and examine any person or any boat, conveyance, vehicle, box, bag, locker, traps, crate or other receptacle or container, for lobsters or crabs, when he has reasonable cause to believe that lobsters or crabs taken contrary to the provisions hereof are concealed thereon or therein. II. To secure and execute search warrants and in pursuance thereof to enter any building, enclosure, vehicle, or car and to break open any apartment, chest, locker, box, trunk, crate, basket, bag, package or container and to examine the contents thereof. III. To seize and take possession of any lobsters or crabs which have been caught, taken or killed or had in possession or under control or which have been shipped or are about to be shipped at any time, in any manner, or for any purpose, contrary to the laws of this state. IV. To seize all pots, traps, cars or other receptacles or containers or contrivances, except boats, used in violation of any

law, rule or regulation relating to lobsters or crabs, when making an arrest, or found in the execution of a search warrant, and hold the same until the fine and costs imposed for such violation have been paid in full, or in the event that the owner cannot be apprehended such receptacles, containers or contrivances may be sold to pay the costs.

**4. Prohibition.** Amend chapter 201 of the Public Laws, as amended by chapters 169 and 194 of the Laws of 1939 (said chapter 236 of the commissioners' report) by adding after section 49 the following new section: **50. Prohibition.** If a conservation officer shall inform a person that his boat and its contents are about to be inspected it shall be unlawful for said person to throw overboard or destroy any pot, trap, car, contrivance, bag, box or other receptacle used for storing or catching lobsters or crabs, or the contents thereof, prior to such inspection. Any person violating the provisions of this section shall be fined not exceeding one hundred dollars or imprisoned for not exceeding sixty days or both, and the director, in his discretion, after hearing, may suspend the license of such person to take lobsters and crabs, for such time as the director may determine.

**5. Takes Effect.** This act shall take effect fifteen days after its passage.

[Approved March 25, 1941.]

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## CHAPTER 28.

### AN ACT RELATIVE TO HUNTING ON SUNDAY.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1. Sunday Observance.** Section 4, chapter 385 of the Public Laws (section 4, chapter 438, commissioners' report) relative to use of firearms on Sunday, is hereby repealed.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved March 25, 1941.]

## CHAPTER 29.

### AN ACT PROHIBITING THE JACKING OF WILD BIRDS AND WILD ANIMALS.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1. Prohibition.** Amend section 5 of chapter 198 of the Public Laws, as inserted by section 2, chapter 124, Laws of 1935 (section 5, chapter 233, commissioners' report) by striking out said section and inserting in place thereof the following: **5. Possession of Jacks, etc.** No person shall have in his possession any jack or artificial light, swivel, pivot or set gun while hunting wild birds or wild animals, including unprotected birds and wild animals on which a bounty may be paid. Any person convicted of illegal night hunting shall forfeit such firearms, jacks, or any other equipment used or usable in the illegal night hunting at the time of such violation, including any vehicle in which the same is being transported. Nothing herein contained shall be construed to prohibit the use of lights for hunting raccoon as permitted in section 3, chapter 200 of the Public Laws.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved March 25, 1941.]

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## CHAPTER 30.

### AN ACT RELATING TO INVESTMENTS OF SAVINGS BANKS.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1. Legal Investments for Savings Banks.** Amend paragraph XVII of section 12 of chapter 262 of the Public Laws (paragraph XVI, section 12, chapter 301, commissioners' report) by adding after the words "New York" in the third line the following: the stock of any national bank or trust company in the United States, being a member of the federal reserve system, located in a city having a population of five hundred thousand or more, whose capital stock, surplus and undivided profits shall total at least fifteen million dollars and whose surplus and undivided profits are at least equal to fifty

per cent of its capital stock, and which has paid dividends in cash in each of the last four of its fiscal years on its capital stock at the rate of at least four per cent on the par or stated value of the shares, so that said section as amended shall read as follows: XVII. OTHER BANKS, ETC. The stock of any national bank or trust company located in the New England states outside of New Hampshire, or in the state of New York; the stock of any national bank or trust company in the United States, being a member of the federal reserve system, located in a city having a population of five hundred thousand or more, whose capital stock, surplus and undivided profits shall total at least fifteen million dollars and whose surplus and undivided profits are at least equal to fifty per cent of its capital stock, and which has paid dividends in cash in each of the last four of its fiscal years on its capital stock at the rate of at least four per cent on the par or stated value of the shares; but not exceeding ten per cent of the deposits of a savings bank shall be invested in such stock. The amount of such stock which may be held by any savings bank as an investment and as collateral security for loans shall not exceed ten per cent of the total capital stock of such national bank or trust company.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved March 25, 1941.]

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## CHAPTER 31.

### AN ACT RELATING TO DEPARTMENTAL EXPENDITURES.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1. Mileage Expenditures of Heads of State Departments.** Amend section 11 of chapter 19 of the Public Laws as amended by chapter 131 of the Laws of 1927 (section 17, chapter 27, commissioners' report) by striking out the words in the last sentence thereof "except upon regulation issued by the governor, with the advice of the council" so that said section as amended shall read as follows: **11. Departmental Expenditures.** The expenditure of any moneys appropriated or otherwise provided to carry on the work of any department of the state government shall be subject to the approval of



the governor, with the advice of the council, under such general regulations as the governor and council may prescribe with reference to all or any of such departments, for the purpose of securing the prudent and economical expenditures of the moneys appropriated. Heads of departments, assistants and employees thereof shall not be allowed as expenses travel between their places of residence and their department offices, nor shall they be allowed board or lodging while in the place in which their offices are located.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved March 26, 1941.]

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## CHAPTER 32.

### AN ACT RELATIVE TO THE PURCHASE OF MILK FOR RESALE OR MANUFACTURE.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1. Purchase of Milk for Resale or Manufacture.** Amend section 1 of chapter 164 of the Public Laws, as amended by chapter 4 of the Laws of 1931 (commissioners' report, chapter 191, section 1) by striking out said section and inserting in place thereof the following: **1. License.** Every person who purchases milk or cream within this state, to be either resold as milk or cream, or manufactured into other dairy products, shall first obtain a license and give security in accordance with sections 4 and 5; provided that no resident person, association or corporation, making such purchases and sales, shall be required to obtain a license as long as payment for such purchases is made on or before the tenth day of each calendar month for milk and cream purchased and delivered during the first half of the previous month and on or before the twenty-fifth day of each calendar month for milk and cream purchased and delivered during the last half of the previous month; and provided further that the provisions of this section shall not apply to persons making such purchases from less than two producers within this state.

**2. Commissioner of Agriculture.** Amend section 4 of said chapter 164 by striking out said section and inserting in place thereof the following: **4. Issue of License.** Upon the filing

of the statement required by section 2 hereof, power of attorney, if any is required, the depositing of bond, mortgage or other security and the payment of a license fee of five dollars the commissioner of agriculture shall license such applicant to make such purchases within the state until the first day of the next April if the applicant shall be found by the commissioner to have sufficient real estate within the state or shall have filed sufficient other security, for the protection of those from whom such applicant purchases the aforesaid products. Annually thereafter on April first such license may upon application be renewed upon payment of a like fee and filing of such bond, mortgage or other security as the commissioner deems necessary.

**3. Bond.** Amend section 5 of said chapter 164 by striking out said section and inserting in place thereof the following: **5. Security.** Any applicant not having sufficient real estate shall be permitted to furnish security by a bond signed by such applicant and some surety company authorized to do business in the state or such other security as the commissioner of agriculture may approve, in such sum and upon such conditions as the commissioner may require.

**4. Amendment.** Amend said chapter 164 (commissioners' report, chapter 191) by striking out all of said chapter after section 9 and inserting in place thereof the following:

**10. Forfeiture of Security.** If such licensee for the space of fifteen days after the date upon which the payment of the several amounts due his vendors becomes due, shall without the consent of such creditor, fail to pay the amount due for milk or cream delivered or furnished by such creditor such licensee shall by reason of such nonpayment be in default as to all patrons whose accounts shall then remain unpaid, and the bond or other security hereinbefore provided for shall be forfeited to the extent of all sums then due from such licensee to his several patrons in this state and by virtue of such default the conditions of such bond or other securities shall be deemed to be broken. **11. Commissioner to be Trustee.** All bonds, mortgages or other securities required and furnished under the provisions hereof shall be given to the commissioner as trustee of the person furnishing the same, for each and all of the patrons in this state and shall be conditioned for the faithful performance of such person of all the acts prescribed for, and all the conditions imposed upon, such person by this

act. **12. Proceedings for Recovery.** Upon breach of the condition of a bond, mortgage or other security the commissioner may upon application by a patron of a person whose account for products furnished such person remains unpaid as hereinbefore provided, institute appropriate proceedings thereon in his name as trustee for the benefit of all of the patrons of such person in this state to whom such person may be indebted at the time such proceedings shall be instituted. Such proceedings may be commenced in any county in this state where a patron of such person resides. **13. Service.** Whenever suit is instituted upon any such bond, service shall be made upon the secretary of state, as the resident agent of nonresident and bonded resident licensees and there shall be given to him, by the sheriff serving the same, an extra copy of the writ or document served, together with twenty-five cents for filing and docketing the same. **14. Suspension of License.** Upon breach of the condition of a bond, mortgage or other security, as provided in section 12, the commissioner of agriculture may suspend the license of such licensee for such time as he may deem necessary. **15. Penalty.** Whoever makes a false statement to secure a license, purchases milk or cream within this state in violation of the provisions hereof, or having obtained a license shall continue to do such business after being notified by the commissioner that such license has been suspended, and before permission to resume such business has been granted, shall be fined not more than five hundred dollars, or imprisoned not more than one year, or both. Municipal courts shall have concurrent jurisdiction with superior court of prosecutions hereunder.

**5. Repeal.** Section 5-a of said chapter 164 (commissioners' report, chapter 191, section 6) relative to waiver of bond is hereby repealed.

**6. Takes Effect.** This act shall take effect upon its passage.

[Approved March 27, 1941.]

## CHAPTER 33.

### AN ACT RELATIVE TO TAXATION OF POULTRY.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1. Taxation of Poultry.** Amend paragraph VII of section 14 of chapter 60 of the Public Laws (paragraph VII, section 15, chapter 73 of the commissioners' report) by striking out the word "two" in the first line and inserting in place thereof the word four, so that said paragraph as amended shall read as follows: VII. POULTRY. Poultry of every description over four months old in excess of the aggregate value of fifty dollars.

**2. Takes Effect.** This act shall take effect as of April 1, 1941.

[Approved March 27, 1941.]

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## CHAPTER 34.

### AN ACT RELATING TO INTRA-STATE FRESH PURSUIT OF CRIMINALS.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1. Authority Granted to Make Arrest.** Any peace officer of this state or other person authorized to make arrests in a criminal case in this state, in fresh pursuit of a person who is reasonably believed by him to have committed a felony in this state or has committed, or attempted to commit, any criminal offense in this state in the presence of such officer, or for whom such officer holds a warrant of arrest for a criminal offense, shall have the authority to arrest and hold in custody such person anywhere in this state.

**2. Court Hearing.** If such an arrest is made in obedience to a warrant, the disposition of the prisoner shall be as in other cases of arrest under a warrant; if the arrest is without a warrant, the prisoner shall without unnecessary delay be taken before a municipal court or a justice of the peace or other magistrate of the county wherein such an arrest was made, and such court shall admit such person to bail, if the offense is bailable, by taking security by way of recognizance

of the appearance of such prisoner before the court having jurisdiction of such criminal offense.

**3. What Constitutes Fresh Pursuit.** The term "fresh pursuit" as used in this act shall include fresh pursuit as defined by the common law and also the pursuit of a person who has committed a felony or is reasonably suspected of having committed a felony in this state, or who has committed or attempted to commit any criminal offense in this state in the presence of the arresting officer referred to in section 1 of this act or for whom such officer holds a warrant of arrest for a criminal offense. It shall also include the pursuit of a person suspected of having committed a supposed felony in this state, though no felony has actually been committed, if there is reasonable ground for so believing. Fresh pursuit as used herein shall not necessarily imply instant pursuit, but pursuit without unreasonable delay.

**4. Limitation.** Section 1 of this act shall not make unlawful an arrest which would otherwise be lawful.

**5. Short Title.** This act may be cited as the "Uniform Act on Intra-State Fresh Pursuit."

**6. Takes Effect.** This act shall take effect upon its passage.

[Approved March 27, 1941.]

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## CHAPTER 35.

### AN ACT RELATIVE TO OPERATION OF TRAFFIC DEVICES AND SIGNALS IN CITIES AND TOWNS.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1. Powers of City Councils.** Amend paragraph VII-a of section 12 of chapter 54 of the Public Laws, as inserted by section 2, chapter 117, Laws of 1935 (commissioners' report, paragraph VIII, section 12, chapter 66) by striking out said paragraph and inserting in place thereof the following: VII-a. **TRAFFIC DEVICES AND SIGNALS.** To make special regulations as to the use of vehicles upon particular highways, except as to speed, and to exclude such vehicles altogether from certain ways; to establish stop intersections, erect, and provide for the control of traffic by, stop signs or other traffic devices or signals which shall conform to stand-

ards set by the highway commissioner and shall be approved by him as to type, size, installation and method of operation.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved March 27, 1941.]

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## CHAPTER 36.

### AN ACT PROVIDING FOR A FISCAL AGENT FOR THE COUNTY OF COOS.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1. Fiscal Agent.** The governor, with the advice and consent of the council, is hereby authorized to appoint a fiscal agent for the county of Coos. He shall serve during the pleasure of the governor and council and shall have the powers and duties set forth in this act, provided, however, that such powers shall not extend to expenditures now subject to the approval of the superior court under general law.

**2. Qualifications; Salary; Bond.** The fiscal agent shall be a citizen of the state of New Hampshire. Before entering upon his duties he shall give such bond in the penal sum of ten thousand dollars as the governor and council shall approve. He shall be paid such salary, not exceeding thirty-five hundred dollars per annum, as the governor and council shall prescribe and, in addition, shall be allowed his necessary traveling expenses while engaged in official business, provided, however, that he resides in Coos county during his term of office. His salary and expenses shall be paid by the county of Coos.

**3. Powers and Duties.** The fiscal agent shall supervise and direct the incurring of obligations against and the expenditure of all funds which may be raised and appropriated for the benefit of said county. No obligation of said county shall be incurred by an officer thereof and no funds of said county shall be expended without the approval of said fiscal agent. He shall countersign all warrants or orders for the payment of any money drawn upon any funds held by the treasurer of Coos county, and said treasurer shall pay out no money unless upon warrant or order countersigned by such fiscal agent. The fiscal agent shall have all powers and duties

of the county commissioners of Coos county and he, with the approval of the superior court (a) may borrow such sums as shall be deemed necessary to meet the demands upon the county treasury and give the note of the county therefor, provided, however, that if the sum borrowed under the provisions hereof, when added to the taxes of the same fiscal year that shall have been collected, shall be in excess of one hundred and ten per cent of the total appropriations made for such year by the county convention, the authorization of the county convention, in addition to the approval of the superior court, shall be required for such excess borrowings; (b) may borrow from time to time such sums as he shall deem necessary for the purpose of refunding existing notes and issue in place thereof serial notes payable within seven years from their respective dates of issue. All notes issued under the provisions of this act shall be signed by the fiscal agent and countersigned by the county treasurer. The clerk of the superior court for the county of Coos shall attest and record all such notes.

**4. Reports.** The fiscal agent shall submit a quarterly report in writing to the chairman of the county convention and to each member of the delegation covering all financial transactions including an itemized account of all personal expenses for the preceding quarter.

**5. County Commissioners.** The fiscal agent shall use the services of the county commissioners so far as it shall be practicable and advisable in the carrying on of the affairs of the county. No moneys, however, shall be paid out except on the warrant or order of the fiscal agent.

**6. Inconsistent Laws.** All powers and duties of county commissioners and county treasurers granted and imposed by any other acts or parts of acts which are inconsistent with the provisions of this act are made inoperative so far as they apply to the county commissioners and the county treasurer of the county of Coos.

**7. Takes Effect; Referendum.** This act shall be effective from April 1, 1941 to April 1, 1943, provided that said fiscal agent may be appointed upon the passage of this act. The secretary of state is hereby directed to insert on the official ballots for the city and towns in Coos county, at the election in November, 1942, the following question: "Do you approve of having the legislature extend the provisions of law relative

to a fiscal agent for the county of Coos?" The clerks of said city and towns are hereby directed to forward to the secretary of state within two days after said election the result of the vote on the above question in their respective towns or city. The secretary of state shall canvass the votes as returned to him and shall report to the legislature of 1943 the result of the voting on said question.

[Approved March 27, 1941.]

## CHAPTER 37.

### AN ACT TO ESTABLISH A NEW APPORTIONMENT FOR THE ASSESSMENT OF PUBLIC TAXES.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1. Apportionment.** That of every thousand dollars of public taxes hereafter to be raised, the proportion which each town and place shall pay, and for which the treasurer of the state is hereby authorized to issue his warrant, shall be as follows, to wit:

#### Rockingham County, \$118.17

Atkinson, seventy-eight cents .....	\$0.78
Auburn, one dollar and nineteen cents .....	1.19
Brentwood, seventy-three cents .....	.73
Candia, one dollar and nineteen cents .....	1.19
Chester, one dollar and twenty-five cents .....	1.25
Danville, fifty-five cents .....	.55
Deerfield, one dollar .....	1.00
Derry, nine dollars and three cents .....	9.03
East Kingston, fifty-eight cents .....	.58
Epping, one dollar and sixty cents .....	1.60
Exeter, thirteen dollars and twenty-five cents .....	13.25
Fremont, ninety-four cents .....	.94
Greenland, ninety-six cents .....	.96
Hampstead, one dollar and thirty cents .....	1.30
Hampton, nine dollars and eighty-four cents .....	9.84
Hampton Falls, one dollar and thirty-three cents ...	1.33
Kensington, sixty-six cents .....	.66
Kingston, one dollar and thirty-eight cents .....	1.38
Londonderry, one dollar and seventy-eight cents ...	1.78



New Castle, one dollar and forty-seven cents .....	\$1.47
Newfields, sixty-seven cents .....	.67
Newington, eighty cents .....	.80
Newmarket, two dollars and sixty-four cents .....	2.64
Newton, one dollar and seven cents .....	1.07
North Hampton, three dollars and forty-seven cents .....	3.47
Northwood, one dollar and thirty-eight cents .....	1.38
Nottingham, ninety cents .....	.90
Plaistow, one dollar and seventy-four cents .....	1.74
Portsmouth, thirty-seven dollars and twelve cents..	37.12
Raymond, one dollar and eighty-four cents .....	1.84
Rye, five dollars and nine cents .....	5.09
Salem, five dollars and thirty-nine cents .....	5.39
Sandown, thirty-seven cents .....	.37
Seabrook, one dollar and fifty-six cents .....	1.56
South Hampton, forty-four cents .....	.44
Stratham, one dollar and thirteen cents .....	1.13
Windham, one dollar and seventy-five cents .....	1.75

#### **Strafford County, \$72.48**

Barrington, one dollar and twenty cents .....	\$1.20
Dover, twenty-seven dollars and nineteen cents ....	27.19
Durham, three dollars and sixty-eight cents .....	3.68
Farmington, three dollars and eighty-one cents ....	3.81
Lee, seventy-six cents .....	.76
Madbury, sixty-six cents .....	.66
Middleton, twenty cents .....	.20
Milton, two dollars and seventy-two cents .....	2.72
New Durham, sixty-nine cents .....	.69
Rochester, nineteen dollars and eighty cents .....	19.80
Rollinsford, two dollars and two cents .....	2.02
Somersworth, eight dollars and sixty-two cents ....	8.62
Strafford, one dollar and thirteen cents .....	1.13

#### **Belknap County, \$51.49**

Alton, three dollars and thirty-seven cents .....	\$3.37
Barnstead, one dollar and thirteen cents .....	1.13
Belmont, one dollar and sixty-nine cents .....	1.69
Center Harbor, one dollar and thirty-three cents...	1.33
Gilford, two dollars and eighty-five cents .....	2.85
Gilmanton, one dollar and twenty-four cents .....	1.24
Laconia, twenty-six dollars and thirty-five cents...	26.35

Meredith, five dollars and twenty-four cents .....	\$5.24
New Hampton, two dollars and sixty cents .....	2.60
Sanbornton, one dollar and thirty-nine cents .....	1.39
Tilton, four dollars and thirty cents .....	4.30

**Carroll County, \$34.31**

Albany, thirty-one cents .....	\$0.31
Bartlett, one dollar and seventy-three cents .....	1.73
Brookfield, forty-four cents .....	.44
Chatham, thirty-one cents .....	.31
Conway, five dollars and eighty-four cents .....	5.84
Eaton, thirty-eight cents .....	.38
Effingham, sixty-four cents .....	.64
Freedom, ninety-eight cents .....	.98
Hart's Location, ten cents .....	.10
Jackson, one dollar and twenty-two cents .....	1.22
Madison, one dollar and thirteen cents .....	1.13
Moultonborough, three dollars and thirty cents ....	3.30
Ossipee, two dollars and forty-nine cents .....	2.49
Sandwich, two dollars and twenty-seven cents ....	2.27
Tamworth, two dollars and forty-seven cents .....	2.47
Tuftonboro, two dollars and twenty-five cents .....	2.25
Wakefield, two dollars and thirty-nine cents .....	2.39
Wolfeboro, six dollars and six cents .....	6.06

**Merrimack County, \$127.92**

Allenstown, two dollars and thirty cents .....	\$2.30
Andover, two dollars and thirty-nine cents .....	2.39
Boscawen, two dollars and forty-three cents .....	2.43
Bow, two dollars and forty-eight cents .....	2.48
Bradford, one dollar and forty-eight cents .....	1.48
Canterbury, one dollar and four cents .....	1.04
Chichester, eighty-six cents .....	.86
Concord, sixty-seven dollars and thirty-four cents..	67.34
Danbury, seventy-three cents .....	.73
Dunbarton, ninety-one cents .....	.91
Epsom, one dollar and thirty-seven cents .....	1.37
Franklin, twelve dollars and ninety-eight cents ....	12.98
Henniker, two dollars and sixty-four cents .....	2.64
Hill, one dollar and ten cents .....	1.10
Hooksett, three dollars and eleven cents .....	3.11
Hopkinton, three dollars and thirty-five cents .....	3.35

Loudon, one dollar and twenty-seven cents .....	\$1.27
Newbury, two dollars .....	2.00
New London, three dollars and fifty-three cents ....	3.53
Northfield, one dollar and ninety-nine cents .....	1.99
Pembroke, three dollars and forty-eight cents .....	3.48
Pittsfield, three dollars and fifty-one cents .....	3.51
Salisbury, eighty cents .....	.80
Sutton, one dollar and three cents .....	1.03
Warner, two dollars and three cents .....	2.03
Webster, one dollar and seventeen cents .....	1.17
Wilmot, sixty cents .....	.60

### Hillsborough County, \$289.28

Amherst, two dollars and five cents .....	\$2.05
Antrim, two dollars and twenty-three cents .....	2.23
Bedford, two dollars and eighty-five cents .....	2.85
Bennington, one dollar and seventy-five cents .....	1.75
Brookline, seventy-nine cents .....	.79
Deering, sixty-four cents .....	.64
Francestown, ninety-two cents .....	.92
Goffstown, six dollars and fifty-six cents .....	6.56
Greenfield, ninety-seven cents .....	.97
Greenville, one dollar and eighty-eight cents .....	1.88
Hancock, one dollar and ninety-six cents .....	1.96
Hillsborough, four dollars and sixty-two cents .....	4.62
Hollis, one dollar and eighty cents .....	1.80
Hudson, three dollars and thirty-six cents .....	3.36
Litchfield, seventy-two cents .....	.72
Lyndeborough, ninety-five cents .....	.95
Manchester, one hundred fifty-nine dollars and eighty-eight cents .....	159.88
Mason, forty-five cents .....	.45
Merrimack, two dollars and fifty-two cents .....	2.52
Milford, seven dollars and sixty-nine cents .....	7.69
Mont Vernon, eighty-four cents .....	.84
Nashua, sixty-five dollars and twenty-three cents ..	65.23
New Boston, one dollar and thirty-four cents .....	1.34
New Ipswich, one dollar and sixty-two cents .....	1.62
Pelham, one dollar and fifty-three cents .....	1.53
Peterborough, eight dollars and fifteen cents .....	8.15
Sharon, nineteen cents .....	.19
Temple, fifty-three cents .....	.53

Weare, one dollar and ninety-four cents .....	\$1.94
Wilton, three dollars and twenty-two cents .....	3.22
Windsor, ten cents .....	.10

#### Cheshire County, \$77.39

Alstead, one dollar and twenty-six cents .....	\$1.26
Chesterfield, two dollars and twenty-four cents ....	2.24
Dublin, three dollars and forty-six cents .....	3.46
Fitzwilliam, one dollar and forty-three cents .....	1.43
Gilsum, forty-seven cents .....	.47
Harrisville, one dollar and fifty-seven cents .....	1.57
Hinsdale, five dollars and fifty-nine cents .....	5.59
Jaffrey, six dollars and thirty cents .....	6.30
Keene, thirty-two dollars and forty-seven cents ....	32.47
Marlborough, two dollars and thirty cents .....	2.30
Marlow, forty-seven cents .....	.47
Nelson, fifty-nine cents .....	.59
Richmond, thirty-nine cents .....	.39
Rindge, one dollar and sixty-nine cents .....	1.69
Roxbury, nineteen cents .....	.19
Stoddard, sixty-eight cents .....	.68
Sullivan, thirty cents .....	.30
Surry, sixty-one cents .....	.61
Swanzy, two dollars and sixty-six cents .....	2.66
Troy, one dollar and seventy-eight cents .....	1.78
Walpole, six dollars and sixty-five cents .....	6.65
Westmoreland, ninety-six cents .....	.96
Winchester, three dollars and thirty-three cents...	3.33

#### Sullivan County, \$48.43

Acworth, fifty-seven cents .....	\$0.57
Charlestown, three dollars and thirteen cents .....	3.13
Claremont, twenty-four dollars and ninety-eight cents .....	24.98
Cornish, one dollar and sixty-seven cents .....	1.67
Croydon, sixty-seven cents .....	.67
Goshen, forty-four cents .....	.44
Grantham, thirty-six cents .....	.36
Langdon, thirty-six cents .....	.36
Lempster, thirty-six cents .....	.36
Newport, eight dollars and sixty cents .....	8.60
Plainfield, one dollar and sixty-five cents .....	1.65

Springfield, seventy-nine cents .....	\$0.79
Sunapee, three dollars and fifty-six cents .....	3.56
Unity, fifty-three cents .....	.53
Washington, seventy-six cents .....	.76

**Grafton County, \$104.64**

Alexandria, eighty-two cents .....	\$0.82
Ashland, two dollars and eighty-three cents .....	2.83
Bath, one dollar and forty-five cents .....	1.45
Benton, nineteen cents .....	.19
Bethlehem, four dollars and seventy-three cents ...	4.73
Bridgewater, one dollar and one cent .....	1.01
Bristol, four dollars and forty-seven cents .....	4.47
Campton, two dollars and fourteen cents .....	2.14
Canaan, two dollars and two cents .....	2.02
Dorchester, twenty-five cents .....	.25
Easton, twenty-one cents .....	.21
Ellsworth, five cents .....	.05
Enfield, two dollars and twenty-six cents .....	2.26
Franconia, one dollar and sixty cents .....	1.60
Grafton, seventy-five cents .....	.75
Groton, fifty-eight cents .....	.58
Hanover, ten dollars and thirty-eight cents .....	10.38
Haverhill, six dollars and seventy-seven cents .....	6.77
Hebron, ninety-two cents .....	.92
Holderness, three dollars and eight cents .....	3.08
Landaff, forty-two cents .....	.42
Lebanon, thirteen dollars and twenty-seven cents ..	13.27
Lincoln, two dollars and six cents .....	2.06
Lisbon, four dollars and seventy-five cents .....	4.75
Littleton, eight dollars and thirty-five cents .....	8.35
Lyman, forty-three cents .....	.43
Lyme, one dollar and forty-two cents .....	1.42
Monroe, thirteen dollars and ninety cents .....	13.90
Orange, twenty cents .....	.20
Orford, one dollar and seventeen cents .....	1.17
Piermont, one dollar and two cents .....	1.02
Plymouth, five dollars and fifty-eight cents .....	5.58
Rumney, one dollar and forty-two cents .....	1.42
Thornton, seventy cents .....	.70
Warren, ninety-seven cents .....	.97
Waterville, thirteen cents .....	.13

Wentworth, seventy-nine cents .....	\$0.79
Woodstock, one dollar and fifty-five cents .....	1.55

### Coos County, \$73.07

Berlin, twenty-eight dollars and fifty cents .....	\$28.50
Carroll, one dollar and ninety-nine cents .....	1.99
Clarksville, eighty cents .....	.80
Colebrook, three dollars and eighty-six cents .....	3.86
Columbia, eighty-one cents .....	.81
Dalton, seventy-six cents .....	.76
Dummer, sixty-five cents .....	.65
Errol, one dollar and three cents .....	1.03
Gorham, seven dollars and sixty-seven cents .....	7.67
Jefferson, one dollar and fifty-one cents .....	1.51
Lancaster, six dollars and fifty-seven cents .....	6.57
Milan, one dollar and thirteen cents .....	1.13
Northumberland, four dollars and twenty cents ...	4.20
Pittsburg, three dollars and eighty-nine cents ....	3.89
Randolph, eighty-eight cents .....	.88
Shelburne, ninety-five cents .....	.95
Stark, fifty-nine cents .....	.59
Stewartstown, one dollar and twenty-four cents ....	1.24
Stratford, one dollar and ninety-six cents .....	1.96
Wentworth's Location, twenty-four cents .....	.24
Whitefield, three dollars and eighty-four cents ....	3.84

### Unincorporated Places, \$2.82

Cambridge, sixty-four cents .....	\$0.64
Crawford's Purchase, four cents .....	.04
Dixville, sixty-six cents .....	.66
Dix's Grant, nine cents .....	.09
Erving's Grant, one cent .....	.01
Gilmanton and Atkinson Academy Grant, three cents ..	.03
Green's Grant, nine cents .....	.09
Hale's Location, one cent .....	.01
Millsfield, thirty-eight cents .....	.38
Odell, twenty-seven cents .....	.27
Pinkham's Grant, one cent .....	.01
Sargent's Purchase, twelve cents .....	.12
Second College Grant, twelve cents .....	.12
Success, twenty-five cents .....	.25
Thompson and Meserve Purchase, ten cents .....	.10

**2. Limitation.** The same shall be the proportion of assessment of all public taxes until a new apportionment shall be made and established, and the treasurer for the time being shall issue his warrant accordingly.

**3. Takes Effect.** This act shall take effect upon its passage.

[Approved April 1, 1941.]

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## CHAPTER 38.

AN ACT RELATIVE TO TAKING BROOK TROUT IN PONDS AND LAKES IN COOS COUNTY.\*

*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1. Brook Trout.** Amend chapter 201 of the Public Laws, as inserted by chapter 169 of the Laws of 1939 (chapter 236, commissioners' report) by inserting after section 1 the following new section: **1-a. Coos County.** Brook trout may be taken and possessed from May fifteenth to September first, and during the month of September by the use of artificial flies only, in the ponds and lakes in Coos county.

**2. Application.** Such provisions of section 1 of chapter 201 of the Public Laws (chapter 236, commissioners' report) as are inconsistent with the provisions of this act hereby are repealed.

**3. Takes Effect.** This act shall take effect upon its passage.

[Approved April 2, 1941.]

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## CHAPTER 39.

AN ACT NAMING DEERING LAKE IN THE TOWN OF DEERING.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1. Deering Lake.** On and after the passage of this act the body of water in the town of Deering known as Deering Reservoir or Gregg lake shall be called Deering lake.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved April 2, 1941.]

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\* See also chapters 50 and 83, *post*.

## CHAPTER 40.

### AN ACT RELATIVE TO STATE AID FOR CLASS V HIGHWAYS IN CERTAIN TOWNS.

WHEREAS, an act was passed at the present session requiring certain towns to complete 2A or Orange system highways in said town before said towns would be entitled to apply for state aid for class V highways, being chapter 5 of the Laws of 1941, and

WHEREAS, said act did not become a law until after the town warrants were posted and therefore the votes taken in certain towns relative to highway appropriations did not conform to the changes made by said chapter 5, now therefore

*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1. Town Aid for Highways.** The highway commissioner is hereby authorized, in his discretion, to furnish state aid for class V highways in such towns as have voted at the March, 1941, annual meetings to apply for such aid. For the year 1941 the provisions of chapter 5 of the Laws of 1941 shall not apply to any towns for which the highway commissioner may make an exception as provided for herein.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved April 2, 1941.]

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## CHAPTER 41.

### AN ACT RELATIVE TO ENCROACHMENTS ON HIGHWAYS.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1. Highway Encroachments.** Amend section 13 of chapter 92 of the Public Laws (section 13, chapter 108, commissioners' report) by striking out said section and inserting in place thereof the following: **13. Obstructing Water; Penalty.** If any person shall place, or suffer to be placed or to remain, any logs, earth or other substances within the limits of a highway, or upon land in the vicinity of a highway by which the water in a stream, pond or ditch is turned upon



the highway and injures or renders it unsuitable for public travel, he shall be fined not more than one hundred dollars. If such highway is maintained by the town, the fine shall be for the use of the town and if such highway is maintained by the state, the fine shall be for the use of the state highway department. Nothing in this section shall be construed as prohibiting the placing of snow within the limits of a highway for the purpose of crossing or recrossing by sleds, logging or farming equipment.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved April 2, 1941.]

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## CHAPTER 42.

### AN ACT RELATIVE TO THE PROTECTION OF STATE AND OTHER HIGHWAYS.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1. Highway Traffic Regulations.** Amend section 6, chapter 91, Public Laws, as amended by chapter 117, Laws of 1935 and chapter 25, Laws of 1937 (section 7, chapter 107, commissioners' report) by striking out said section and inserting in place thereof the following: **6. Posting; Return.** Regulations controlling traffic by such stop signs, devices, or signals shall be posted on each trunk line and state-aided highway and a return thereof shall be filed with the state highway department to be kept in a special book which shall be open to public inspection. A copy of such return shall be filed with the town clerk for information.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved April 3, 1941.]

## CHAPTER 43.

## AN ACT RELATING TO TRUST FUNDS.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1. Town Trusts.** Amend section 18 of chapter 42 of the Public Laws (commissioners' report, chapter 51) by inserting after the word "reading-rooms" in the third line thereof the words, schools and other educational facilities, so that said section as amended shall read as follows: **18. In General.** Towns may take and hold in trust gifts, legacies and devises made to them for the establishment, maintenance and care of libraries, reading-rooms, schools and other educational facilities, parks, cemeteries and burial lots, the planting and care of shade and ornamental trees upon their highways and other public places, and for any other public purpose that is not foreign to their institution or incompatible with the objects of their organization.

**2. Trust Funds for Districts.** Amend said chapter 42 (said chapter 51) by inserting after section 22 the following new section: **22-a. Custody; Expenditure.** Except where otherwise specifically provided in the charter of a city or by special act of the legislature whenever a gift, legacy or devise shall be made in trust to a school district, village district or any subdivision of a town and accepted by it, the same shall be held in custody and administered by the trustees of trust funds of such town or in case of districts embracing two or more towns by the trustees of trust funds of that town which the voters of said district may elect. The governing body of any such district or subdivision shall expend such district or subdivision trust funds, or the income thereof to be expended, consistently with the terms of the trust. The provisions of section 23 shall not apply to expenditures of district or subdivision trust funds.

**3. Trustees of Trust Funds.** Further amend said chapter 42 by striking out section 27 and inserting in place thereof the following: **27. Bond.** The trustees shall give bond in such amount and in such form as the state tax commission shall prescribe, and any trustee who shall make any payment of income or principal from trust funds before the approval of his bond in writing by the tax commission shall be personally liable to the town for any loss resulting from such pay-

ment, to be recovered for the town at the suit of any citizen. The expenses of said trustees and the expense of their bond shall be charged as incidental town charges.

**4. Takes Effect.** This act shall take effect upon its passage.

[Approved April 3, 1941.]

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## CHAPTER 44.

AN ACT RELATING TO THE EXPIRATION DATE OF PERMITS AND LICENSES ISSUED BY THE STATE LIQUOR COMMISSION.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1. Date of Expiration of Permits and Licenses for the Sale of Beverages and Liquor.** All permits issued under the provisions of chapter 99 of the Laws of 1933, as amended, other than special permits, which otherwise would expire as of April thirtieth, 1941, are hereby extended and made effective until May thirty-first, 1941, unless sooner revoked, and thereafter all permits issued under the provisions of said chapter, other than special permits, shall expire May thirty-first of each year unless sooner revoked for cause by the commissioners. All licenses issued under the provisions of chapter 3 of the Laws of the special session of 1934, as amended, in force at the time of the passage of this act shall expire May thirty-first, 1941, unless sooner revoked for cause, and thereafter all licenses issued under the provisions of said chapter shall expire May thirty-first of each year unless sooner revoked for cause by the commissioners. All parts of acts inconsistent with the provisions hereof are hereby repealed as to such inconsistencies.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved April 3, 1941.]

## CHAPTER 45.

## AN ACT PROVIDING FOR A STATE COUNCIL OF DEFENSE.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1. Authority.** The governor is hereby authorized and empowered, in time of emergency or public need in the nation or the state, to create by proclamation a state council of defense, hereinafter designated as the "council," for the general purpose of assisting in the mobilization of the civilian effort, and in the coordination of state and national activities related to defense other than those of a strictly military or naval character. Whenever he deems it expedient, the governor may by proclamation dissolve, or suspend, such council, or re-establish it after any such dissolution or suspension.

**2. Composition of Council.** The council shall consist of twenty-five members, ten of whom shall be the respective chairmen of the county cooperating committees, and eleven of whom shall be the respective chairmen of the advisory committees, described hereinafter, and the governor, the president of the senate, the speaker of the house of representatives, and the adjutant general as coordinator, *ex officio*.

**3. Officers.** The governor shall serve as chairman, and the president of the senate and the speaker of the house of representatives shall each serve as a vice-chairman of the council.

**4. Executive Committee.** The governor, together with two of the chairmen of county cooperating committees and two of the chairmen of the advisory committees, appointed in each case by the governor with the advice and consent of the executive council, shall, with the adjutant general, constitute the executive committee of the council. The executive committee is authorized to act in the name of the council between its sessions and to assume such duties and responsibilities as the council may entrust to it.

**5. Executive Secretary.** The council is authorized to employ an executive secretary and such clerical and other personnel as it may deem necessary, to fix their compensations, to establish an office, and to make such expenditures, within the limits of the appropriation made for the purpose or out of other funds made available to the council, as may be necessary to carry out the purposes of this act.

**6. County Cooperating Committees.** There shall be appointed by the governor with the advice and consent of the executive council and without reference to political affiliations, in each county within the state, a county cooperating committee composed of two citizens, one of whom shall be a man and one a woman, from each town and city ward in the county. One member of each such committee shall be designated by the governor and the executive council to serve as chairman and as member of the council and one as vice-chairman. Said members shall serve without compensation during the pleasure of the governor and the executive council. The county cooperating committees shall perform such functions and have such duties as may be assigned to them by the council.

**7. Advisory Committees.** There shall be appointed by the governor, with the advice and consent of the executive council, eleven advisory committees representative of each of the following eleven general interests, or groups, the number of members to be such as combined will adequately represent the different interests concerned: (1) health, welfare, hospitals, medical, religious, charitable, relief, recreation, morale, sanitation; (2) agriculture, food supply, land use; (3) housing, public works, and related facilities; (4) consumers' interest and protection, clothing, fuel; (5) industrial resources, production, manufacturing facilities, materials; (6) human resources, educational facilities, professions, labor supply and training, employment, labor relations, trades, skills; (7) finances; (8) law; (9) telephones, telegraphs, radio, railroads, busses, highways, motor traffic, airplanes, electricity, water, sewer facilities, gas; (10) public safety, including emergency activities of state and local police, sheriffs, allied law enforcement agencies, American Red Cross, war veterans; (11) planning, statistical, promotional and public relations. For each of the advisory committees the governor and executive council shall designate one member thereof to serve as its chairman and member of the council. Members of the advisory committees shall serve without compensation during the pleasure of the governor and the executive council. The council shall give the advisory committees appropriate titles and the advisory committees shall perform such duties as may be assigned them by the council.

**8. Powers and Duties of the Council.** The council shall have the following powers and duties:

I. To adopt, amend, and repeal rules, regulations, and by-laws governing its procedure and activities.

II. To cooperate with the advisory commission to the council of national defense, or with any similar federal agencies hereafter created, and with any other federal agencies engaged in promoting or assisting in the national defense.

III. To cooperate with councils of defense or recognized groups performing corresponding service in other states.

IV. To supervise and direct investigations, and recommend to the governor such legislation, or other appropriate action, as it may deem necessary with respect to any of the services, interests, or facilities listed in section 7 hereof, so far as they are or may be related to defense, other than matters of a purely military or naval character.

V. To create sub-committees, either within or without its membership, or within the membership of its county cooperating or advisory committees, to aid it in the discharge of its powers and duties.

VI. To request the cooperation and assistance of state and local governmental agencies and officials.

**9. Utilization of Existing Facilities.** In order to avoid duplication of existing services and facilities the council, and any of its sub-committees, are authorized and directed to utilize the services and facilities of existing offices, departments, commissions, boards, bureaus, institutions and other agencies of the state, and all such officers and agencies are required to cooperate with and extend their services and facilities to the council.

**10. Separability of Provisions.** If any provision of this act or the application of such provision to any person or circumstance is held invalid the remainder of this act and the application of such provision to other persons or circumstances shall not be affected thereby.

**11. Appropriation.** The sum of fifteen hundred dollars is hereby appropriated for the use of the council for the period ending June 30, 1941; five thousand dollars for the fiscal year 1941-1942; five thousand dollars for the fiscal year 1942-1943. The governor, with the advice and consent of the executive council, is authorized to draw his warrant for said sums out of any money in the treasury not otherwise appropriated.

**12. Other Funds.** The council is authorized to accept, re-

ceive and use, for furthering the provisions of this act, grants of federal funds or gifts of private funds. Such funds shall be held by the state treasurer in a special fund, to be expended for the purposes of this act alone.

**13. Short Title.** This act may be cited as the "State Council of Defense Act."

**14. Effective Date.** This act shall take effect upon its passage.

[Approved April 4, 1941.]

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## CHAPTER 46.

### AN ACT ESTABLISHING A STATE GUARD.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1. Authority.** Whenever any part of the New Hampshire national guard is in the active service of the United States, the governor is hereby authorized to organize and maintain within this state during such period, under such regulations as the secretary of war of the United States may prescribe for discipline in training, and otherwise in general conformity with existing law, regulations, rules and practices pertaining to the national guard, such military forces as he may deem necessary to defend this state from invasion, rebellion, riot or reasonable apprehension thereof, provided, however, that such forces shall not be ordered into a community where a strike or lockout exists for purposes connected with such strike or lockout unless the governor shall have investigated the need thereof through the local public authorities and employer and employee representatives of the industries involved in such strike or lockout.

**2. Composition.** Such military forces shall be composed of commissioned officers and such able-bodied male citizens of the state as shall volunteer for service therein supplemented, if necessary, by men of the unorganized militia enrolled by draft and subject to military duty as provided by chapter 124 of the Public Laws of New Hampshire, as amended, and, in addition to active units, may include inactive and reserve components.

**3. Name.** Such military forces shall be additional to and distinct from the New Hampshire national guard; shall be

armed and uniformed; shall be known as the New Hampshire State Guard; and are hereinafter referred to as the state guard.

**4. Uniform.** The uniforms, the insignia of rank and grade, the devices, buttons, emblems and decorations of the state guard shall be distinctive, specifications as to design and manner of wearing the same to be as prescribed in regulations to be issued by the adjutant general.

**5. Protection of Uniform.** No person shall wear or exhibit the uniform, insignia, device, button, emblem or decoration of the state guard, or shall wear or exhibit a uniform, insignia, device, button, emblem or decoration so nearly like that of the state guard as might reasonably cause it to be mistaken therefor. Any person violating the provisions of this section shall be fined not more than three hundred dollars, or imprisoned not more than six months, or both.

**6. Organization; Rules and Regulations.** The provisions of chapter 124 of the Public Laws of New Hampshire, as amended, authorizing the enlistment, organization, administration, equipment, maintenance, training, discipline and other matters pertaining to the military department of the state, the unorganized militia, and the national guard when not in the service of the United States, except as otherwise provided in this act, are hereby extended in each instance where appropriate to include and are made applicable to the state guard authorized under the provisions of this act; provided, that regulations hereby authorized to be issued by the adjutant general relative to the state guard shall conform in matters of training and discipline to policies and instructions promulgated by the secretary of war of the United States.

**7. Pay and Allowances.** The provisions of section 60, chapter 124 of the Public Laws of New Hampshire, shall not apply to the state guard which shall be compensated as follows: For each day's service in complete uniform, when ordered out for duty by command of the governor, except for annual inspection, drill, target practice or special service, each commissioned officer of the state guard shall be paid at the same rate, base pay, as an officer of like grade in the United States Army; and each enlisted man of the state guard shall be paid at the rate, base pay, prescribed in federal pay tables for an enlisted man of like grade in the United States Army.

**8. Equipment and Supplies.** For the use of the state



guard, the adjutant general, with the approval of the governor and council, is hereby authorized to purchase such equipment and supplies as may be necessary for the purposes of this act and the governor is hereby authorized to requisition, as free issues or loans, or, if necessary, to purchase outright, from the secretary of war of the United States, or from such agency of the war department as may by law be designated, such arms, equipment, supplies, and ammunition as may be in the possession of and can be spared by the United States government.

**9. Use of Armories.** The adjutant general is authorized to make available to the state guard the facilities of the state armories and military reservations and their equipment and such other state premises and property as may be available.

**10. Other Buildings.** Whenever it shall become necessary, for reasons of public safety, all state, county and municipal authorities are authorized and the owners of suitable private facilities are urged to place their buildings or other facilities at the disposal of the adjutant general for military purposes.

**11. Use Outside of New Hampshire.** The state guard shall not be required to serve outside the boundaries of the state of New Hampshire except:

I. Upon the request of the governor of another state, the governor of this state may in his discretion order any portion or all of the state guard to assist the military or police forces of such other state who are actually engaged in defending such other state. The state guard may be recalled from such service by the governor at his discretion.

II. Any unit or detachment of the New Hampshire national guard when not in active federal service, or of the state guard, upon order of the adjutant general or the officer in immediate command thereof, of such unit or detachments, may continue in fresh pursuit of insurrectionists, saboteurs, enemies or enemy forces beyond the borders of this state into another state until they are apprehended or captured by such organization, unit or detachment or until the military or police forces of the other state or the forces of the United States have had a reasonable opportunity to take up the pursuit or to apprehend or capture such persons: Provided, such other state shall have given authority by law for such pursuit by national guard or the state guard of this state. Any such person who shall be apprehended or captured in such

other state by an organization, unit or detachment of the such military forces of this state shall without unnecessary delay be surrendered to the military or police forces of the state in which he is taken or to the United States, but such surrender shall not constitute a waiver by this state of its right to extradite or prosecute such person for any crime committed in this state.

**12. Permission to Forces of Other States.** Any military forces or organization, unit or detachment thereof, of another state who are in fresh pursuit of insurrectionists, saboteurs, enemies or enemy forces may continue such pursuit into this state until the military or police forces of this state or the forces of the United States have had a reasonable opportunity to take up the pursuit or to apprehend or capture such persons and are hereby authorized to arrest or capture such persons within this state while in fresh pursuit. Any such person who shall be captured or arrested by the military forces of such other state while in this state shall without unnecessary delay be surrendered to the military or police forces of this state to be dealt with according to law. This section shall not be construed so as to make unlawful any arrest in this state which would otherwise be lawful, and nothing contained in this section shall be deemed to repeal any of the provisions of chapter 54, Laws of 1937, relating to the fresh pursuit of criminals.

**13. Federal Service.** Nothing in this act shall be construed as authorizing the state guard, or any part thereof to be called, ordered, or in any manner drafted, as such, into the military service of the United States, but no person shall by reason of his enlistment or commission in any such forces be exempted from military service under any law of the United States.

**14. Enlistment of Civil Groups.** No civil organization, society, club, post, order, fraternity, association, brotherhood, body, union, league, or other combination of persons or civil group shall be enlisted in the state guard as an organization or unit.

**15. Armed Civilian Groups.** No organization, society, club, post, order, league or other combination of persons, or civil group, or any members thereof, are authorized to assume any semblance of military organization or character by bearing or possessing rifles, pistols, sabres, clubs, or military

weapons of any kind, or wearing a military uniform of any kind. Any person violating any of the provisions of this section or taking part in such military organization shall be fined not less than three hundred dollars or imprisoned not less than six months, or both, and any rifles, pistols, sabres, clubs or other military weapons used in violation hereof shall be forfeited. This section shall not apply to regularly constituted military units under state or federal laws, and nothing in this section shall be construed as forbidding the possession and use of rifles for color guards or firing squad purposes, or the wearing of uniforms of a military character, by an organization composed wholly of veteran soldiers who participated in any war of the United States, or by any other recognized fraternal group of long-standing in the community which uses rifles or sabres merely as a part of its ritualistic exercises and which is not specifically disapproved by the President of the United States, the war department, or the governor.

**16. Disqualification for Service.** No person shall be commissioned or enlisted in the state guard who is not a citizen of the United States or who has been expelled or dishonorably discharged from any military or naval organization of this state or of another state, or of the United States, or who has been convicted of felony.

**17. Oath of Officers.** The oath to be taken by officers commissioned in such forces shall be substantially in the form now prescribed for officers of the national guard, substituting the words "New Hampshire State Guard" where necessary.

**18. Enlistments.** In peace time, no person shall be enlisted in the state guard for more than one year but, in the event that prior to the expiration of such term of enlistment the United States becomes involved in war, such enlistments shall be for the duration of the emergency, subject to such regulations to the contrary as may be promulgated by the adjutant general.

**19. Oath of Enlisted Men.** The oath to be taken upon enlistment in the state guard shall be substantially in the form now prescribed for enlisted men of the national guard, substituting the words "New Hampshire State Guard" where necessary.

**20. Application of Articles of War.** Whenever the state guard or any part thereof shall be ordered out for active service, the articles of war of the United States applicable to

members of the national guard of this state in relation to court martial, their jurisdiction and the limits of punishment and the rules and regulations prescribed thereunder shall be in full force and effect with respect to the state guard.

**21. Freedom from Arrest.** No officer or enlisted man of the state guard shall be arrested on any warrant, except for treason or felony, while going to, remaining at, or returning from a place where he is ordered to attend for military duty.

**22. Exemption from Jury Duty.** Every officer and enlisted man of the state guard shall, during his service therein, be exempt from jury duty.

**23. Acceptance of Gifts Prohibited.** The acceptance of gifts, donations, gratuities or anything of value by the state guard or by any member of such forces from any individual, firm, association, or corporation, by reason of such membership is prohibited. Violation of this section may be cause for dishonorable discharge from further service as a member of the state guard.

**24. Termination of Service.** Upon the termination of the period of federal service of the New Hampshire national guard, as hereinafter ascertained, the state guard shall be disbanded and its property accounted for in such manner and order as the adjutant general shall prescribe, and each commissioned officer and enlisted man thereof shall be given an honorable discharge, suitably inscribed, from the military service of the state. Provided, however, that the state guard shall not be disbanded until the release of the national guard or a part thereof from federal service makes it no longer necessary for said state guard to be retained, in the opinion of the governor.

**25. Severability.** If any provision of this act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable. If any provision of chapter 124 of the Public Laws of New Hampshire, which, in accordance with section 6 hereof, are extended so far as is appropriate to the state guard, as well as the national guard and the unorganized militia, is found legally inapplicable, such inapplicability shall not affect the validity of that act in any way nor shall it affect the other provisions of this act and to

that extent the provisions of this act are declared to be severable.

**26. Appropriation.** For the purposes of this act there is appropriated the sum of fifty thousand dollars for the period from the date of the passage of this act to June 30, 1943, provided, however, that when the state guard is disbanded and discharged from the active service of the state by reason of the release of the national guard or a part thereof from federal service as provided in section 24, the unexpended balance of funds hereby appropriated shall no longer be available save for the purpose of liquidating outstanding accounts and claims involving the state guard; storing, selling or otherwise disposing of state property in its possession; returning or otherwise caring for federal property pertaining to it; making such alterations or restorations in state armories as may be necessary for reoccupancy by the national guard; providing additional storage space for state-owned property of the state guard; and such other expenses as may be incidental to the disbandment of such forces.

**27. Bonds and Notes Authorized.** For the purpose of providing funds for the appropriation provided for by section 26, the state treasurer is hereby authorized, under the direction of the governor and council, to borrow upon the credit of the state a sum not exceeding fifty thousand dollars, and for that purpose may issue bonds and notes in the name of and on behalf of the state of New Hampshire at a rate of interest to be determined by the governor and council at the time of approval of the issue. Such bonds and notes shall be in such form and such denominations and with such provisions for call or redemption as the governor and council may determine, may be registerable as to both principal and interest, and shall be countersigned by the governor and shall be deemed a pledge of the faith and credit of the state.

**28. Accounts.** The secretary of state shall keep an account of all such bonds and notes as countersigned by the governor showing the number and amount of each bond and note, the time of countersigning, the date of delivery to the treasurer and the date of maturity. The state treasurer shall keep an account of each bond and note, showing the number thereof, the name of the person to whom sold, the amount received for the same, the date of the sale and the date of maturity.

**29. Sale; Disposition of Proceeds.** The treasurer may negotiate and sell such bonds and notes by direction of, and in such manner as, the governor and council deem most advantageous to the state. The proceeds of the sale of such bonds and notes shall be held by the treasurer and paid by him upon warrants drawn by the governor for the purposes of this act alone. The governor, with the advice and consent of the council, shall draw his warrants for the payment, from the funds provided for by this act, of all sums expended or due for the purposes herein authorized.

**30. Short-Term Notes.** Prior to the issuance of serial bonds and notes hereunder the treasurer, with the consent of the governor and council, may for the purposes hereof borrow money from time to time on short-term loans which may be refunded by the issuance of bonds and notes hereunder, provided however that at no time shall the indebtedness of the state on such short-term loans and said bonds and notes exceed the said sum of fifty thousand dollars.

**31. Short Title.** This act may be cited as The State Guard Act.

**32. Takes Effect.** This act shall take effect upon its passage.

[Approved April 4, 1941.]

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## CHAPTER 47.

### AN ACT TO PROTECT AGAINST SABOTAGE.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1. Definitions.** As used in this act:

I. "Highway" includes any private or public street, way or other place used for travel to or from property.

II. "Highway commissioner" means the state highway commissioner, the city council of a city or board of selectmen of a town having authority under then existing law to discontinue the use of the highway which it is desired to restrict or close to public use and travel.

III. "Public utility" includes any pipe line, gas, electric, heat, water, oil, sewer, telephone, telegraph, radio, railway, railroad, airplane, transportation, communication or other system, by whomsoever owned or operated for public use.

**2. Intentional Injury to or Interference with Property.**

Whoever intentionally destroys, impairs, injures, interferes or tampers with real or personal property with reasonable grounds to believe that such act will hinder, delay or interfere with the preparation of the United States or of any of the states for defense or for war, or with the prosecution of war by the United States, or by any country with which the United States shall then maintain friendly relations, shall be punished by imprisonment for not more than ten years, or by a fine of not more than ten thousand dollars, or both: Provided, if such person so acts with the intent to hinder, delay or interfere with the preparation of the United States or of any of the states for defense or for war, or with the prosecution of war by the United States or by any country with which the United States shall then maintain friendly relations, the minimum punishment shall be imprisonment for not less than one year.

**3. Intentionally Defective Workmanship.**

Whoever intentionally makes or causes to be made or omits to note on inspection any defect in any article or thing with reasonable grounds to believe that such article or thing is intended to be used in connection with the preparation of the United States or any of the states for defense or for war, or for the prosecution of war by the United States, or by any country with which the United States shall then maintain friendly relations, or that such article or thing is one of a number of similar articles or things, some of which are intended so to be used, shall be punished by imprisonment for not more than ten years, or a fine of not more than ten thousand dollars, or both: Provided, if such person so acts or so fails to act with the intent to hinder, delay or interfere with the preparation of the United States or of any of the states for defense or for war, or with the prosecution of war by the United States or by any country with which the United States shall then maintain friendly relations, the minimum punishment shall be imprisonment for not less than one year.

**4. Attempts.** Whoever attempts to commit any of the crimes defined by this act shall be liable to one-half the punishment prescribed for the completed crime. In addition to the acts which constitute an attempt to commit a crime under the law of this state, the solicitation or incitement of another to commit any of the crimes defined by this act not

followed by the commission of the crime, the collection or assemblage of any materials with the intent that the same are to be used then or at a later time in the commission of such crime, or the entry, with or without permission, of a building, enclosure or other premises of another with the intent to commit any such crime therein or thereon shall constitute an attempt to commit such crime.

**5. Conspirators.** If two or more persons conspire to commit any crime defined by this act, each of such persons is guilty of conspiracy and subject to the same punishment as if he had committed the crime which he conspired to commit, whether or not any act be done in furtherance of the conspiracy. It shall not constitute any defense or ground of suspension of judgment, sentence or punishment on behalf of any person prosecuted under this section, that any of his fellow conspirators has been acquitted, has not been arrested or convicted, is not amenable to justice or has been pardoned or otherwise discharged before or after conviction.

**6. Witnesses' Privileges.** No person shall be excused from attending and testifying, or producing any books, papers, or other documents before any court, magistrate, referee or grand jury upon any investigation, proceeding or trial, for or relating to or concerned with a violation of any section of this act or attempt to commit such violation, upon the ground or for the reason that the testimony or evidence, documentary or otherwise, required of him by the state may tend to convict him of a crime or to subject him to a penalty or forfeiture; but no person shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter or thing concerning which he may so testify or produce evidence, documentary or otherwise, and no testimony so given or produced shall be received against him, upon any criminal investigation, proceeding or trial, except upon a prosecution for perjury or contempt of court based upon the giving or producing of such testimony.

**7. Unlawful Entry on Property.** Any individual, partnership, association, corporation, municipal corporation or state or any political subdivision thereof engaged in, or preparing to engage in, the manufacture, transportation or storage of any product to be used in the preparation of the United States or of any of the states for defense or for war or in the prosecution of war by the United States, or by any country with



which the United States shall then maintain friendly relations, or the manufacture, transportation, distribution or storage of gas, oil, coal, electricity or water, or any of said natural or artificial persons operating any public utility, whose property, except where it fronts on water or where there are entrances for railway cars, vehicles, persons or things, is surrounded by a fence or wall, or a fence or wall and buildings, may post around his or its property at each gate, entrance, dock or railway entrance and every one hundred feet of water front a sign reading "No Entry Without Permission." Whoever without permission of such owner shall wilfully enter upon premises so posted shall be punished by imprisonment for not more than ten days, or a fine of not more than fifty dollars, or both.

**8. Questioning and Detaining Suspected Persons.** Any peace officer or any person employed as watchman, guard, or in a supervisory capacity on premises posted as provided in section 7 may stop any person found on any premises to which entry without permission is forbidden by section 7 and may detain him for the purpose of demanding, and may demand, of him his name, address and business in such place. If said peace officer or employee has reason to believe from the answers of the person so interrogated that such person has no right to be in such place, said peace officer shall forthwith release such person or he may arrest such person without a warrant on the charge of violating the provisions of section 7; and said employee shall forthwith release such person or turn him over to a peace officer, who may arrest him without a warrant on the charge of violating the provisions of section 7.

**9. Closing and Restricting Use of Highway.** Any individual, partnership, association, corporation, municipal corporation or state or any political subdivision thereof engaged in or preparing to engage in the manufacture, transportation or storage of any product to be used in the preparation of the United States or any of the states for defense or for war or in the prosecution of war by the United States, or by any country with which the United States shall then maintain friendly relations, or in the manufacture, transportation, distribution or storage of gas, oil, coal, electricity or water, or any of said natural or artificial persons operating any public utility, who has property so used which he or it believes will be endangered if public use and travel is not restricted or pro-

hibited on one or more highways or parts thereof upon which such property abuts, may petition the appropriate highway commissioner to close one or more of said highways or parts thereof to public use and travel or to restrict by order the use and travel upon one or more of said highways or parts thereof. Upon receipt of such petition, the highway commissioner shall set a day for hearing and give notice thereof by publication in a newspaper having general circulation in the city, town or county in which such property is located, such notice to be at least seven days prior to the date set for hearing. If after hearing the highway commissioner determines that the public safety and the safety of the property of the petitioner so require, they shall by suitable order close to public use and travel or reasonably restrict the use of and travel upon one or more of said highways or parts thereof: Provided, the highway commissioner may issue written permits to travel over the highways so closed or restricted to responsible and reputable persons for such term, under such conditions and in such form as said commissioner may prescribe. Appropriate notices in letters at least three inches high shall be posted conspicuously at each end of any highway so closed or restricted by such order. The highway commissioner may at any time revoke or modify any order so made.

**10. Penalty for Going upon Closed or Restricted Highway.** Whoever violates any order made under section 9 shall be imprisoned for not more than ten days, or fined not more than fifty dollars, or both.

**11. Rights of Labor.** Nothing in this act shall be construed to impair, curtail or destroy the rights of employees and their representatives to self-organization, to form, join, or assist labor organizations, to bargain collectively through representatives of their own choosing, and to engage in concerted activities, for the purpose of collective bargaining or other mutual aid or protection nor to make strikes illegal.

**12. Severability.** If any provision of this act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.

**13. Short Title.** This act may be cited as the Sabotage Prevention Act.

**14. Relation to Other Statutes.** All acts and parts of acts inconsistent with this act are hereby suspended in their application to any proceedings under this act. If conduct prohibited by this act is also made unlawful by another or other laws, the offender may be convicted for the violation of this act or of such other law or laws.

**15. When this Act is in Force.** This act shall take effect upon its passage and it and all orders made under it shall be in force until May 15, 1945, and thereafter whenever the United States is at war: Provided, any violation of this act, committed while the act is in force, may be prosecuted and punished thereafter, whether or not this act is in force at the time of such prosecution and punishment.

[Approved April 4, 1941.]

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## CHAPTER 48.

### AN ACT RELATING TO EXPLOSIVES.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1. Definitions.** As used in this act:

I. "Explosives" means gunpowders, powders used for blasting, high explosives, blasting materials, fuses (other than electric circuit breakers), detonators and other detonating agents, smokeless powder and any chemical compound or any chemical mixture containing any oxidizing and combustible units, or other ingredients in such proportions, quantities, or packing that ignition by fire, friction, concussion, percussion or detonation of any part thereof may and is intended to cause an explosion but shall not include petroleum products, turpentine, acetone, ethyl, ether and benzol. Fixed ammunition for small arms, firecrackers or matches shall not be held to be explosives when the individual units contain any of the above-mentioned articles in such limited quantity or of such nature and in such packing that it is impossible to produce an explosion of such units to the injury of life, limb or property.

II. "Person" includes any natural person, partnership, association or corporation.

III. "Manufacturer" means any person who is engaged in the manufacture of explosives or who otherwise produces any explosive.

IV. "Dealer" means any person, not a manufacturer, engaged in the business of buying and selling explosives.

2. **License.** No person shall manufacture, possess or deal in explosives unless he has obtained a license therefor pursuant to the provisions of section 3 of this act.

3. **Applications for Licenses.**

1. An application for a license to manufacture, possess, or deal in explosives shall be made to the commissioner of weights and measures, hereinafter referred to as the commissioner, and shall state, among other things: (1) the name and address of the applicant, (2) the reason for desiring to manufacture, possess, or deal in explosives, (3) his citizenship, if the applicant is an individual, (4) if the applicant is a partnership, the names and addresses of the partners and their citizenship, and (5) if the applicant is an association or corporation, the names and addresses of the officers and directors thereof and their citizenship.

4. **Notification to Adjutant General.** Upon receipt of an application, the commissioner shall notify the adjutant general of New Hampshire in writing of such application.

5. **Issuance of License.** The commissioner shall issue the license applied for unless he finds that either the applicant, or the officers, agents or employees of the applicant, is not sufficiently experienced in the manufacture or handling of or business of dealing in explosives, lacks suitable facilities therefor, has been convicted of a crime involving moral turpitude, or is disloyal to the United States.

6. **Records.** Manufacturers and dealers shall keep a record of all explosives shipped, purchased or sold by them, which records shall include the name and address of each consignee, vendor or vendee, the date of each shipment, sale or purchase and the amount and kind of explosives shipped, sold or purchased. Such record shall be open for inspection by duly authorized agents of the licensing authority and by all federal, state and local law enforcement officers at all times.

7. **Sale to Unlicensed Persons.** No dealer shall sell, barter, give or dispose of explosives to any person who does not hold

a license to possess explosives issued under the provisions of this act.

**8. Revocation; Term of License; Fees.**

I. Any license issued hereunder may be revoked by the commissioner on any ground specified herein as a ground for denying an application for such license.

II. All licenses issued hereunder shall expire on the thirty-first of December of each year, unless sooner revoked.

III. Each application for a license hereunder shall be accompanied by the fee hereinafter prescribed, which fee shall be returned in the event such application is denied. The license fees shall be as follows: Manufacturer's license, ten dollars; dealer's license, five dollars; possessor's license, one dollar, provided, however, that no fee shall be required of possessors holding explosives for agricultural use.

**9. Appeals.** Any person who has been denied a license or whose license has been revoked by the commissioner shall have the same remedy by way of appeal as is provided under the provisions of sections 14 to 33, inclusive, chapter 107 of the Laws of 1937.

**10. Rules and Regulations.** The commissioner may prescribe such rules and regulations as he may deem necessary and proper for carrying out the provisions of this act.

**11. Penalties.** Any person who violates any provision of this act, or any rule or regulation made hereunder, shall, upon conviction, be imprisoned for a term of not more than six months, or shall be fined not more than one hundred dollars, or both.

**12. Exceptions.** The provisions of this act shall not apply to the armed forces of the United States, the national guard, the state guard, or to officers or employees of the United States or of this state or its political subdivisions who are authorized by the United States or the state to handle explosives.

**13. Application of Laws.** Nothing herein contained shall be construed as repealing the provisions of or rules and regulations made under the authority of chapter 148 of the Public Laws.

**14. Severability.** If any provision of this act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the

invalid provision or application, and to this end the provisions of this act are declared to be severable.

**15. Repeal.** All acts and parts of acts inconsistent with the provisions of this act and not expressly repealed herein are hereby repealed.

**16. Short Title.** This act may be cited as the Explosives Act.

**17. Time of Taking Effect.** This act shall take effect April 1, 1941.

[Approved April 4, 1941.]

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## CHAPTER 49.

### AN ACT RELATING TO FISH AND GAME.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1. Director of Fish and Game.** Amend section 10 of chapter 196 of the Public Laws as inserted by section 1, chapter 123 of the Laws of 1935 and amended by chapter 188 of the Laws of 1937 (section 10 of chapter 231 of the commissioners' report) by striking out said section and inserting in place thereof the following: **10. Powers and Duties.** It shall be the duty of the director to protect, propagate and preserve the fish, game, bird and wild life resources of the state and to protect and conserve the non-game birds of the state. He shall, subject to the limitations hereinafter set forth, have the power and authority to make and enforce rules and regulations to make adequate and effective the control, management, restoration, conservation and regulation of the fish, game, bird and wild life resources of the state. Such power and authority shall include the right to open and close the season for taking fish, the right to fix the size, number and weight limits for fish, and other conditions governing the method and manner of taking the same. Such power and authority may be exercised with reference to the state as a whole, or for any specified county or part thereof, or for any lake, pond, stream or part thereof. Such power and authority shall not extend to the regulation of the seasons for the taking of game, birds or other wild life or the bag limit of the same.

**2. Amendment.** Further amend said chapter 196 of the Public Laws by adding after section 10 thereof the following new sections:

**10-a. Hearings; Rules and Regulations.** In each odd numbered year the director shall hold public hearings for the purpose of hearing interested parties with respect to his duties, as set forth in this title. Such hearings shall be held at the superior court house in Concord commencing at 10 a. m. on the first Monday after the fourth of July, and at the superior court house at Lancaster, commencing at 10 a. m. on the first Friday following the first Monday after the fourth of July. It shall be the duty of the members of the commission to be in attendance at such hearings. In the event of the illness of the director, or a majority of the commission not being present, or other unforeseen contingency, such hearings shall be adjourned or postponed. In the event of such adjournment or postponement notice of the time of subsequent hearing shall be posted at such court house and given such other publicity as the director shall deem proper to give adequate notice thereof to interested parties. The director may in his discretion conduct other public or private hearings throughout the year upon petition of interested parties. At the biennial hearings held at Concord and Lancaster and at other public hearings that the director shall hold in accordance with the provisions of this section, any person having any testimony to present which bears upon the power and authority of the director under the provisions of this title, shall be given full opportunity to be heard, and the director shall cause a complete stenographic record to be kept of all testimony taken.

**10-b. Promulgation of Rules and Regulations.** Following the public hearings at Concord and Lancaster as provided in section 10-a, the director, with the approval of the commission, shall promulgate such rules and regulations, in accordance with the authority contained in section 10, as he shall deem suitable in the accomplishment of the purposes of said section 10. All such rules and regulations shall be published at least once a week for three successive weeks in at least two newspapers having general circulation throughout the state, and in such other newspapers, magazines, or circulars as the director may in his discretion deem desirable to fairly appraise the public of the same, the date of the first publi-

cation to be not later than September first following said hearings. An attested copy of said rules and regulations shall also be sent, not later than said first day of September, to each town or city clerk, to the office of each county solicitor, to each conservation officer, and shall be filed in the office of the secretary of state. Copies thereof shall also be made available at the office of the director for distribution to applicants therefor.

**10-c. Effective Date of Rules and Regulations.** Such rules and regulations shall take effect on January first of the year following their promulgation, and shall remain in effect until altered or revoked by the director, with the approval of the commission, in the manner hereinbefore provided for the initial promulgation of rules and regulations.

**10-d. Areas Closed Temporarily to Hunting.** Notwithstanding the other provisions of this chapter, the director shall have the power and authority to close to hunting any area in which it is in his opinion dangerous to human life to hunt thereon because of people working therein, and he shall have the power and authority to close any season for the taking of fish in any area for not over thirty days in any calendar year when in his opinion such action shall be necessary for the protection or preservation of the fish in such area. Any rule, regulation or order of the director issued pursuant to this section shall take effect at such time as shall be stated therein and shall be given such publication as the director may in his discretion deem proper to fairly acquaint the residents of the locality affected thereby of the provisions thereof.

**10-e. Severability.** The rules and regulations of the director promulgated under the provisions of this chapter shall be deemed to be severable and if any provision or the application thereof shall be held invalid, the remainder shall not be affected thereby.

**10-f. Penalties.** Whenever the director shall by rule or regulation, pursuant to the provisions of this chapter, alter existing provisions of law, the penalties applicable in cases of violation of such provisions of law as shall be changed by such action of the director, shall apply to violations of the rules and regulations of the director amendatory to or substituted for such changed provisions of law.



**3. Release of Information.** Amend section 11 of said chapter 196 by striking out said section and inserting in place thereof the following new section: **11. Release of Information.** The fish and game commission or the director shall release at such time as they deem advisable for newspaper and other publications the number and size of fish planted, but in no instance shall any employee of the fish and game department disclose where or when they were or will be planted. The director may penalize any employee who violates the provisions of this section as he deems reasonable and just.

**4. Violation of Rules and Regulations.** Amend said chapter 196 by striking out section 12 and inserting in place thereof the following new section: **12. Violation of Rules and Regulations.** Whoever violates any rule, regulation or order of the director issued pursuant to the authority contained in the preceding sections of this chapter, for which violation no specific penalty is provided, shall be fined not more than fifty dollars or imprisoned not more than thirty days, or both.

**5. Continuation of Laws.** Existing laws relating to the opening and closing of seasons for taking fish, the size, number and weight limits of fish, and other conditions governing the method and manner of taking fish, shall be continued in full force and effect until altered by rule or regulation of the director as provided in this act.

**6. Takes Effect.** This act shall take effect upon its passage.

[Approved April 8, 1941.]

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## CHAPTER 50.

### AN ACT RELATIVE TO TAKING BROOK TROUT.\*

*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1. Provisions for Taking Brook Trout.** Amend chapter 201 of the Public Laws, as inserted by chapter 169, Laws of 1939, and as amended by chapters 192 and 193 of the Laws of 1939 (chapter 236, commissioners' report) and as further amended by chapter 38, Laws of 1941, by striking out sections 1 to 9, inclusive, and inserting in place thereof the following:

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\* See also chapters 83, 94, 95, 96 and 167, *post*.

**1. Brook Trout.** Brook trout not less than six inches in length may be taken and possessed from May first to September first in all waters of the state and by the use of artificial flies only in lakes and ponds during the month of September, except in those waters closed to all fishing and except as specifically provided in the following three sections. **2. Fly Fishing Only.** In the following waters brook trout not less than six inches in length may be taken from May first to October first by the use of artificial flies only. During said period in said waters no fish of any kind may be taken except by the use of artificial flies. I. Clarksville pond, Clarksville; Inlet and tributaries to the Second Connecticut lake, Pittsburg; Coon Brook Bog, Pittsburg. II. Echo lake, Conway; Glen Ellis river, between covered bridge in Jackson and Goodrich Falls dam in Bartlett; Hunkins pond, Sanbornton; James pond, Tamworth. III. March pond, Hill; Little Millsfield pond, Millsfield; Moody pond, Weare; Moose pond, Millsfield; Newfound river, from the dam at the foot of Newfound lake to the Dodge and Davis woolen mill in Bristol; Profile lake, Franconia. IV. Scobie's pond, Derry; Scott's Bog, Pittsburg; Shaw pond, Franklin; Stirrup Iron pond, Salisbury; Stonehouse pond, Barrington; Swift river, Tamworth; White pond, Ossipee. In the waters named in this section no fish of any kind shall be taken in any manner from October first to May first. **3. Coos County.** Brook trout not less than six inches in length may be taken and possessed from May fifteenth to September first, and during the month of September by the use of artificial flies only, in the ponds and lakes in Coos county. **4. Ten-Inch Trout.** Brook trout not less than ten inches in length may be taken with and by the use of artificial flies only in Big Brook, Big Brook Bog, and their tributaries north of the highway leading from the First to the Second Connecticut lake from May first to September first. In Big Brook Bog said trout may be taken during the month of September by the use of artificial flies only. **5. Limits.** During the open season therefor as provided in the preceding sections of this chapter no person may take more than fifteen brook trout or more than five pounds in weight in one day, provided that so long as he has taken less than fifteen in number and less than five pounds in weight he shall be entitled to take one additional fish. No person shall have in his possession at one time more than two days' catch of brook trout.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved April 8, 1941.]

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## CHAPTER 51.

### AN ACT RELATIVE TO DUTIES OF TOWN CLERKS AND SUPERVISORS OF THE CHECKLISTS.

*Be it enacted by the Senate and House of Representatives in  
General Court convened:*

**1. Supervisors of Checklists.** Amend chapter 24 of the Public Laws (chapter 32, commissioners' report) by inserting after section 12 the following new section: **12-a. Reports from Town Clerks.** Whenever there is filed in his office an official notice of the death of any person or persons of the age of twenty-one years or over, the town clerk shall notify the supervisors of the checklist of said deaths by submitting a list of same to the supervisors at their next regular meeting. Upon receipt of such notice the board of supervisors shall examine the checklist and if the name of said deceased person appears thereon it shall be removed prior to the next election. Any supervisor who shall neglect or refuse to erase the name of such deceased voter from the checklist after receiving such notice from the town clerk shall be fined not more than fifty dollars. The words town clerk shall also be construed to include city clerk and the words supervisors of the checklist shall also be construed to include registrars of voters.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved April 8, 1941.]

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## CHAPTER 52.

### AN ACT RELATIVE TO FILING OF DECLARATIONS AS TO QUALIFI- CATIONS FOR HOLDING OFFICE OF REPRESENTATIVE OR SENATOR.

*Be it enacted by the Senate and House of Representatives in  
General Court convened:*

**1. Nomination of Candidates.** Amend chapter 25 of the Public Laws (commissioners' report, chapter 33) by adding

after section 6 the following new section: **6-a. Affidavit.** It shall be the duty of the secretary of state to prepare forms for affidavit to be sworn to by a candidate for nomination for the office of representative or senator covering his qualifications as to age and residence for said office. The secretary of state shall not print upon the primary ballot of any party the name of any person unless there is filed with him such an affidavit. After the publication of the canvass of returns as provided by section 44 the secretary shall require the filing with him of like affidavits from nominees for such offices who have not previously filed such affidavits and in case such affidavit is not filed the secretary of state may declare a vacancy upon the party ticket so resulting, which said vacancy shall be filled as provided by section 47. The secretary of state is hereby authorized to determine, by regulation, when the affidavits required hereunder shall be filed with him but no affidavits shall be accepted which are filed with the secretary of state later than the time provided for filing nominations.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved April 8, 1941.]

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## CHAPTER 53.

### AN ACT RELATIVE TO REGISTRATION OF MOTOR VEHICLES BY PERSONS ENTERING THE MILITARY SERVICE OF THE UNITED STATES FOR NATIONAL DEFENSE.

*Be it enacted by the Senate and House of Representatives in  
General Court convened:*

**1. Motor Vehicle Registration.** Any person who is ordered into or enlists in the military or naval service of the United States in connection with the strengthening of the national defense in the present emergency may make application to the motor vehicle commissioner stating the fact of such service and requesting suspension of registration of any motor vehicle owned by him during such service. Upon receipt of such application the motor vehicle commissioner is hereby authorized to suspend registration of such motor vehicle for such time and to reimburse said person a portion

of the registration fees paid by him for the current year on a *pro rata* basis according to the number of months said motor vehicle is unused. Any refunds made under the provisions hereof shall be a charge upon the funds of the motor vehicle department. Upon the termination of such service, upon application, the motor vehicle commissioner shall reregister said vehicle for the then current year upon payment of a like *pro rata* fee.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved April 8, 1941.]

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## CHAPTER 54.

### AN ACT LIMITING THE CLAIMS OF CREDITORS AGAINST THE REAL ESTATE OF DECEASED PERSONS.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1. Limitation of Claims.** Amend chapter 302 of the Public Laws (chapter 346 of the Revised Laws, commissioners' report) by adding after section 28 the following new sections:

**29. Two-Year Limitation.** If no administration shall have been granted upon the estate of a deceased person within two years from the date of death, no creditor of the deceased shall thereafter be entitled to maintain any action or proceeding in any court to appropriate the real estate or interests therein of which the deceased died seized, to the payment or satisfaction in whole or in part of his claim against the estate.

**30. Estates of Presently Deceased Persons.** The provisions of section 29 shall not apply to the estate of a person deceased prior to the date this act takes effect until two years from said date.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved April 8, 1941, 5:00 o'clock p. m.]

**CHAPTER 55.**

AN ACT TO MAKE UNIFORM THE LAW WITH REFERENCE TO DISPOSITION OF PROPERTY WHERE THERE IS NO SUFFICIENT EVIDENCE THAT PERSONS HAVE DIED OTHERWISE THAN SIMULTANEOUSLY.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1. No Sufficient Evidence of Survivorship.** Where the title to property or the devolution thereof depends upon priority of death and there is no sufficient evidence that the persons have died otherwise than simultaneously, the property of each person shall be disposed of as if he had survived, except as provided otherwise in this act.

**2. Beneficiaries of Another Person's Disposition of Property.** Where two or more beneficiaries are designated to take successively by reason of survivorship under another person's disposition of property and there is no sufficient evidence that these beneficiaries have died otherwise than simultaneously, the property thus disposed of shall be divided into as many equal portions as there are successive beneficiaries and these portions shall be distributed respectively to those who would have taken in the event that each designated beneficiary had survived.

**3. Joint Tenants or Tenants by the Entirety.** Where there is no sufficient evidence that two joint tenants or tenants by the entirety have died otherwise than simultaneously the property so held shall be distributed one-half as if one had survived and one-half as if the other had survived. If there are more than two joint tenants and all of them have so died the property thus distributed shall be in the proportion that one bears to the whole number of joint tenants.

**4. Insurance Policies.** Where the insured and the beneficiary in a policy of life or accident insurance have died and there is no sufficient evidence that they have died otherwise than simultaneously the proceeds of the policy shall be distributed as if the insured had survived the beneficiary.

**5. Act Not Retroactive.** This act shall not apply to the distribution of the property of a person who has died before it takes effect.

**6. Act Does Not Apply if Decedent Provides Otherwise.** This act shall not apply in the case of wills, living trusts,

deeds, or contracts of insurance wherein provision has been made for distribution of property different from the provisions of this act.

**7. Uniformity of Interpretation.** This act shall be so construed and interpreted as to effectuate its general purpose to make uniform the law in those states which enact it.

**8. Short Title.** This act may be cited as the Uniform Simultaneous Death Act.

**9. Repeal.** All laws or parts of laws inconsistent with the provisions of this act are hereby repealed.

**10. Severability.** If any of the provisions of this act or the application thereof to any persons or circumstances is held invalid such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provisions or application, and to this end the provisions of this act are declared to be severable.

**11. Takes Effect.** This act shall take effect upon its passage.

[Approved April 8, 1941, 5:00 o'clock p. m.]

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## CHAPTER 56.

### AN ACT RELATIVE TO OFFICE HOURS FOR STATE EMPLOYEES.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1. State Offices and Departments.** Amend section 13 of chapter 19 of the Public Laws (section 19, chapter 27, commissioners' report) by striking out said section and inserting in place thereof the following: **13. Office Hours.** All state offices and departments shall be open continuously for the transaction of public business between the hours of eight-thirty o'clock in the forenoon and five o'clock in the afternoon each day of the week except Sunday; provided, that such offices and departments may be closed on legal holidays, on Saturday afternoons throughout the year and on Saturday forenoons during the months of July and August, if not incompatible with public business.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved April 8, 1941.]

## CHAPTER 57.

### AN ACT RELATIVE TO THE PROTECTION OF STATE AND OTHER HIGHWAYS.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1. Protection of Highways.** Amend chapter 91 of the Public Laws (chapter 107, commissioners' report) by adding after section 1 the following new section: **1-a. Snow Obstruction.** It shall be unlawful to put or place or cause to be put or placed any snow or ice upon the surface of the traveled portion of state, state-aided, secondary or trunk line highways for any purpose, except to provide a place necessary for crossing, recrossing and traveling upon said highways by sleds, logging or farm equipment. The provisions of this section shall not apply where snow or ice is pushed across the traveled surface of said highways for the purpose of snow removal from land adjoining said highways.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved April 8, 1941.]

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## CHAPTER 58.

### AN ACT PROHIBITING THE OBSTRUCTING OF DRIVEWAYS.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1. Obstructing Access to Highways.** Amend chapter 378 of the Public Laws by inserting after section 10 (chapter 430, section 9 of the commissioners' report) the following new sections: **10-a. Prohibition.** No person shall obstruct the highway by parking an automobile, other vehicle or object in or in front of a driveway to any dwelling, store, shop or other place of business, factory, field or forest so as to obstruct the passage of vehicles from the highway into such driveway or from such driveway into the highway. **10-b. Removal of Obstruction; Lien.** Any inspector of the motor vehicle department, police officer, sheriff, deputy sheriff or selectman is hereby authorized, if in his opinion the same is necessary, to employ a wrecker or other apparatus to remove such obstruction at the expense of the owner or operator of said obstruct-



ing vehicle or object and the owner or operator of the wrecker or apparatus used in said removal shall have a lien upon the vehicle or object so removed for his fee or charge for said removal.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved April 8, 1941.]

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## CHAPTER 59.

### AN ACT RELATING TO KENNEL LICENSES.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1. Owners of Dogs Under Kennel Licenses.** Amend section 10 of chapter 150 of the Public Laws, as amended by chapter 61, Laws of 1927 (section 10, chapter 176, commissioners' report) by adding after the word "dollars" in the ninth line the words, provided that if the number of dogs owned by such licensee exceeds twenty-five there shall be an additional fee of one dollar for each dog in excess of twenty-five, so that said section as amended shall read as follows:

**10. Kennels; Breeders.** The owner or keeper of five or more dogs, and any breeder of dogs, shall annually on or before April thirtieth procure a license authorizing him to keep such dogs upon the premises described in the license or off the premises while under his control. If the number of dogs does not exceed five, the fee for such license shall be twelve dollars; if the number exceeds five and does not exceed ten, the fee shall be twenty dollars, and if the number exceeds ten, the fee shall be twenty-five dollars, provided that if the number of dogs owned by such licensee exceeds twenty-five there shall be an additional fee of one dollar for each dog in excess of twenty-five. No fee shall be required for the dogs of such owner or keeper which are under the age of three months; and for dogs becoming three months of age after May first, or which may be brought from without the state after May first, the fee shall be such proportionate sum for licenses as the remaining portion of the year bears to the sum required for a license for a whole year. The provisions of sections 6, 7 and 9 hereof shall not apply to licenses under the provisions of this section.

**2. Takes Effect.** This act shall take effect as to the licensing of dogs on or before April thirtieth, 1942.

[Approved April 8, 1941.]

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## CHAPTER 60.

### AN ACT RELATIVE TO INVESTMENTS BY SAVINGS BANKS IN FIRE INSURANCE STOCK.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1. Legal Investments for Savings Banks.** Amend section 12, chapter 262, Public Laws (section 12, chapter 301, commissioners' report) by adding after paragraph XIV, as amended by section 22, chapter 122, Laws of 1929, the following new paragraph: XIV-a. FIRE INSURANCE STOCK. The dividend-paying capital stock of senior preference of any fire insurance company incorporated in the United States outside of New Hampshire, and licensed to do business as a fire insurance company under the laws of this state, having a total capital stock of not less than two million dollars and surplus of not less than one and one-half times the amount of the unearned premiums; provided that such company has been doing business at least ten years and has paid a dividend in each of the five years next preceding such investment. If any such company has only one class of stock outstanding that class shall be considered stock of senior preference for the purposes hereof.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved April 10, 1941.]

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## CHAPTER 61.

### AN ACT RELATING TO TRUST COMPANIES.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1. Trust Companies.** Amend section 6 of chapter 264 of the Public Laws (section 6 of chapter 303 of the commissioners' report) by striking out the whole of said section and in-

serting in place thereof the following: **6. Reserves.** Every such corporation shall at all times maintain as a reserve an amount equal to at least fifteen per cent of the aggregate amount of the demand deposits in its commercial department plus an amount equal to at least five per cent of the time deposits in said department. Such reserve shall consist of lawful money of the United States or balances due from other banks. The board of trust company incorporation created under chapter 265 of the Public Laws (chapter 304 of the commissioners' report) may change the reserve requirements, provided that said board shall not increase the reserve requirements for any bank in excess of the percentages prescribed for banks located in this state which are members of the Federal Reserve System. No new loan or investment shall be made by such corporation when its reserve is not in accordance with the requirements of this section.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved April 10, 1941.]

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## CHAPTER 62.

### AN ACT RELATING TO POWER OF COUNTY DELEGATIONS TO INVESTIGATE.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1. Powers of County Conventions.** Amend section 7, chapter 35 of the Public Laws (section 9, chapter 44, commissioners' report) by striking out said section and inserting in place thereof the following: **7. Investigations.** The county convention by a vote of a majority of all its members may appoint a committee of its own members, not to exceed five, and not over three to be of either of the two major political parties, to investigate conditions pertaining to the conduct of county affairs by any county officer or any person appointed or employed by such officer, which committee shall have power to summon witnesses, examine them under oath, secure a transcript of the testimony and do other necessary acts to conduct such an investigation.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved April 10, 1941.]

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## CHAPTER 63.

AN ACT RELATING TO PROOF OF FINANCIAL RESPONSIBILITY BY OWNERS AND OPERATORS OF MOTOR VEHICLES.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1. Motor Vehicle Financial Responsibility.** Amend section 3 of chapter 161 of the Laws of 1937 (section 3, chapter 122, commissioners' report) by striking out said section and inserting in place thereof the following: **3. Proof Required Upon Conviction for Motor Vehicle Law Violations.** Upon receipt of an abstract of the record in case of conviction of any person for a violation of such of the provisions of any state law relative to motor vehicles as the commissioner shall determine the commissioner may forthwith suspend the license of the person so convicted and the registration certificates of any motor vehicle, trailer or semi-trailer registered in the name of such person and require the surrender of the registration plates of any such vehicle, unless and until such person gives and thereafter maintains proof of his financial responsibility in the future. The commissioner shall take action as required in this section upon receiving proper evidence of any such conviction of any person in another state.

**2. Exceptions.** Amend section 9 of said chapter 161 (section 8 of said chapter 122) by striking out said section and inserting in place thereof the following: **9. Limitation.** The provisions of section 6 shall not apply: (a) to the owner of a motor vehicle, trailer or semi-trailer operated by one having obtained possession or control thereof without his express or implied consent; (b) to either the owner or operator of a motor vehicle, trailer or semi-trailer involved in an accident when the commissioner shall be satisfied that neither caused nor contributed to cause the accident; (c) to either the owner or operator of a motor vehicle, trailer or semi-trailer involved in an accident that was caused by the criminal

act of a third party, for which criminal act such other party has been convicted; (d) to either the owner or operator of a motor vehicle, trailer or semi-trailer involved in an accident wherein no damage or injury was caused to other than the person or property of such owner or operator.

**3. Takes Effect.** This act shall take effect at 12:01 a. m. of the day following its passage. The exemptions added by this act shall apply in cases of accidents that shall have occurred since September 1, 1937.

[Approved April 10, 1941.]

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## CHAPTER 64.

### AN ACT RELATING TO THE REGULATION, AT CERTAIN RAILROAD CROSSINGS, OF MOTOR VEHICLES CARRYING PASSENGERS FOR HIRE.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1. Operation of Motor Vehicles Carrying Passengers for Hire.** Amend Public Laws, chapter 258,\* section 4 (chapter 295, section 4 of the commissioners' report) by adding to the end thereof the following: provided, however, that the commission, after such investigation as it deems proper, may by order exempt from the provisions of this section the operations of such motor vehicles at designated railroad crossings subject to such terms and conditions, if any, as it shall specify in said order, so that said section as amended shall read: **4. Crossing Railroads.** When a highway crosses the tracks of a steam railroad at grade every operator of such a motor vehicle upon the highway shall, when approaching the point of intersection, stop said motor vehicle not more than fifty nor less than twenty feet from the crossing and, before attempting to cross, shall carefully examine for approaching trains, and shall not proceed to cross until he has ascertained that no trains are approaching; provided, however, that the commission, after such investigation as it deems proper, may by order exempt from the provisions of this section the operations of such motor vehicles at designated railroad crossings subject to such terms and conditions, if any, as it shall specify in said order.

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\* Repealed as of April 1, 1942, see chapter 224, *post*.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved April 15, 1941.]

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## CHAPTER 65.

AN ACT TO AUTHORIZE TOWNS TO APPROPRIATE MONEY FOR  
FLOOD CONTROL PURPOSES.

*Be it enacted by the Senate and House of Representatives in  
General Court convened:*

**1. Town Appropriations.** Amend chapter 42 of the Public Laws (chapter 51, commissioners' report) by adding after paragraph XXX of section 4, as inserted by section 1, chapter 20, Laws of 1939, the following new paragraph: XXXI. FLOOD CONTROL. To defray the expense of acquiring, constructing, controlling, operating and maintaining flood control dams at any point in the state on any stream or tributary thereof, whose waters ultimately flow through the town in whole or in part; provided, however, that no town during any one year may appropriate for such purposes more than one-quarter of one per cent of the assessed valuation of the taxable property therein.

**2. Payment in Lieu of Taxes.** Amend section 10, chapter 60 of the Public Laws (section 11, chapter 73, commissioners' report) by adding after the word "supply" in the second line thereof the words, or flood control, so that said section as amended shall read as follows: **10. Water Works; Flood Control.** Property held by a city, town or district in another city or town for the purpose of a water supply or flood control, if yielding no rent, shall not be liable to taxation therein, but the city, town or district so holding it shall annually pay to the city or town in which such property lies an amount equal to that which such place would receive for taxes upon the average of the assessed value of such land, without buildings or other structures, for the three years last preceding legal process to acquire the same, or other acquisition thereof, the valuation for each year being reduced by all abatements thereon; but any part of such land or buildings from which any revenue in the nature of rent is received shall be subject to taxation.

**3. Takes Effect.** This act shall take effect upon its passage.

[Approved April 15, 1941.]

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## CHAPTER 66.

AN ACT RELATIVE TO TOWN APPROPRIATIONS FOR THE  
ACQUISITION OF CERTAIN REAL ESTATE.

*Be it enacted by the Senate and House of Representatives in  
General Court convened:*

**1. Town Appropriations.** Amend chapter 42 of the Public Laws (chapter 51 of the commissioners' report) by adding after section 17 the following new section: **17-a. Isolated Dwellings.** Whenever a town may find that real estate in said town is in an isolated location and is uneconomic for farm or home use said town may at any legal meeting grant and vote such sums as it may judge necessary to purchase said property. The property acquired under the provisions hereof may be used or disposed of for such recreational, forestry or other purposes as the town may deem to be in the public interest.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved April 15, 1941.]

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## CHAPTER 67.

AN ACT RELATING TO SALT WATER SMELT.

*Be it enacted by the Senate and House of Representatives in  
General Court convened:*

**1. Salt Water Smelt.** Amend section 1 of chapter 203 of the Public Laws as inserted by section 7, chapter 124, Laws of 1935, and as amended by section 25, chapter 188 of the Laws of 1937 (section 1, chapter 238, commissioners' report) by adding after the word "fish" in the third line thereof, the words, salt water smelt, so that said section as amended shall read as follows: **1. License Required, etc.** No person, except as hereinafter provided, shall at any time fish, hunt, trap, shoot, pursue, take or kill fresh water fish, salt water

smelt, wild birds or wild animals in this state, without first procuring a license so to do, and then only in accordance with the terms of such license and subject to all the provisions of this title. The licensee shall wear such license, prominently displayed, on the front of the outer garment, in a metal case, furnished by the department at the time such license is issued, or a license button as the case may be, and the same shall be subject to inspection on demand by any person.

**2. Licenses for Residents.** Amend paragraph I of section 5, chapter 203, Public Laws, as inserted by section 7, chapter 124, Laws of 1935, and as amended by section 1, chapter 156, Laws of 1937 (section 6, chapter 238, commissioners' report) by striking out the word "and" in the sixth line, and by inserting after the word "fish" in the same line the words, and salt water smelt, so that said paragraph as amended shall read as follows: I. If the applicant is a resident of this state and wishes to hunt and fish, two dollars and thirty-five cents, and the agent shall thereupon issue a resident hunting and fishing license, which shall entitle the licensee to hunt, shoot, kill or take, except by the use of traps, and to transport game birds, game animals, fish and salt water smelt, under the restrictions of this title.

**3. Licenses for Nonresidents.** Amend paragraph IV of section 5, of said chapter 203 (section 6 of said chapter 238) by striking out said paragraph and inserting in place thereof the following: IV. If the applicant is a nonresident and wishes to take fresh water fish or salt water smelt only, three dollars and eighty-five cents, and the agent shall thereupon issue a nonresident fishing license which shall entitle the licensee to kill, take and transport fresh water fish and salt water smelt under the restrictions of this title, provided that if said applicant wishes to take said fish or smelt for three consecutive days, one dollar and thirty-five cents, and the agent shall thereupon issue a nonresident fishing license for said time only, under the restrictions of this title.

**4. Takes Effect.** This act shall take effect January 1, 1942.

[Approved April 15, 1941.]



**CHAPTER 68.****AN ACT RELATING TO FIDUCIARY POWERS OF TRUST COMPANIES  
AND NATIONAL BANKS.**

*Be it enacted by the Senate and House of Representatives in  
General Court convened:*

**1. Nominees.** Amend chapter 264 of the Public Laws (chapter 303 of the commissioners' report) by inserting after section 17 the following new section: **17-a. Nominees.** Any trust company or similar corporation, incorporated under the laws of this state, and any national bank duly authorized and located within the state, when acting in a fiduciary capacity, either alone or jointly with an individual or individuals, may, with the consent of the individual fiduciary or fiduciaries, if any, who are hereby authorized to give such consent, cause any stock or other securities to be registered and held in the name of a nominee without mention of the fiduciary relationship, provided that (1) the records of the fiduciary and all accounts rendered by it clearly show the ownership of the stock or other securities, and (2) the nominee shall not have possession of the stock certificate or other security or access thereto except under immediate supervision of the fiduciary. The fiduciary shall be liable for any loss resulting from any act of such nominee in connection with such stock or other securities so held.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved April 15, 1941.]

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**CHAPTER 69.****AN ACT RELATING TO INVESTMENTS BY GUARDIANS.**

*Be it enacted by the Senate and House of Representatives in  
General Court convened:*

**1. Investments by Guardians.** Amend section 22 of chapter 290 of the Public Laws, as amended by chapter 71 of the Laws of 1931, by chapter 8 of the Laws of 1937, section 10 of chapter 72 of the Laws of 1939 (section 22, chapter 333 of the commissioners' report) by adding at the end thereof the

following new paragraph: IV. With the consent of the judge of probate having jurisdiction, in life, endowment and annuity contracts of life insurance companies authorized to do business in this state, so that said section as amended shall read as follows: **22. Approved Classes.** Every guardian of a minor shall invest, in the name of his ward, or in his own name as guardian, the money and the proceeds of all real and personal property of his ward not required for the ward's support in the following described classes of property only:

I. In notes secured by mortgage of real estate at least double in value of the notes, or in notes or bonds secured by mortgage insured by the federal housing administrator and guaranteed by the United States of America.

II. By deposit in some incorporated savings bank in this state, or in the savings department of a national bank or trust company located in this state, or in shares of any building and loan association or co-operative bank, incorporated and doing business under the laws of this state, or in the shares of any federal savings and loan association, located and doing business in this state.

III. In such other stocks and bonds as are legal investments for savings banks in this state.

IV. With the consent of the judge of probate having jurisdiction, in life, endowment and annuity contracts of life insurance companies authorized to do business in this state.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved April 15, 1941.]

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## CHAPTER 70.

### AN ACT RELATING TO TEMPORARY INSURANCE LICENSES.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1. Insurance Agents.** Amend section 14-e of chapter 273 of the Public Laws, as inserted by section 2 of chapter 124 of the Laws of 1933, (commissioners' report, chapter 314, section 20) by adding at the end thereof the following: Whenever an agent licensed under this subdivision shall be drafted or volunteer for service in the armed forces of the

United States, the commissioner may issue to a suitable person without examination a license for such period of time as in the opinion of the commissioner is necessary for the continuation of the business of the agency thereby affected, so that said section as amended shall read as follows: **14-e. Temporary Licenses.** Upon the death or disability of a licensed agent, or the termination of an agency the commissioner may issue to a suitable person without examination a license for a limited period of time not exceeding six months, if in his opinion such temporary license is necessary for the continuation of the business of the agency thereby affected. Whenever an agent licensed under this subdivision shall be drafted or volunteer for service in the armed forces of the United States, the commissioner may issue to a suitable person without examination a license for such period of time as in the opinion of the commissioner is necessary for the continuation of the business of the agency thereby affected.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved April 15, 1941.]

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## CHAPTER 71.

AN ACT PROVIDING FOR THE CHANGING OF A CLASS 2-B HIGHWAY  
TO A CLASS V HIGHWAY.

*Be it enacted by the Senate and House of Representatives in  
General Court convened:*

**1. Marston Hill Road, Andover.** On and after the passage of this act Marston Hill road, so called, in the town of Andover shall be classified as a class V road and no longer be deemed to be in the secondary highway system as a class 2-B road.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved April 15, 1941.]

## CHAPTER 72.

AN ACT RELATING TO A PUBLIC PARK AND RECREATIONAL AREA  
ON LONG ISLAND IN THE TOWN OF MOULTONBOROUGH.

*Be it enacted by the Senate and House of Representatives in  
General Court convened:*

**1. Town of Moultonborough.** Amend section 2 of chapter 191 of the Laws of 1939 by striking out said section and inserting in place thereof the following: **2. Transfer of Land.** When said property has been acquired as provided by section 1 hereof the governor and council shall transfer the title thereof to the town of Moultonborough and said property shall thereafter be held and maintained as a public park and recreational area by said town.

**2. Extension of Time.** The appropriation provided for by section 3 of chapter 191 of the Laws of 1939 shall not lapse until June 15, 1943.

**3. Takes Effect.** This act shall take effect upon its passage.

[Approved April 16, 1941.]

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## CHAPTER 73.

AN ACT PROVIDING FOR THE ACCEPTANCE OF A GIFT OF LAND AND  
BUILDINGS ON MOUNT PROSPECT IN THE TOWN  
OF LANCASTER AS A MEMORIAL TO  
JOHN WINGATE WEEKS.

WHEREAS, Sinclair Weeks and Katherine W. Davidge, children of the late John Wingate Weeks, a native of the town of Lancaster, in consideration of his outstanding interest in the promotion of forestry not only in this state but throughout the nation, including his sponsorship of the original law (the Weeks Law of 1911) providing for the purchase of national forests and for cooperation with the states in forest fire protection, have offered to give and grant certain premises on Mount Prospect in the town of Lancaster comprising about three hundred and fifty acres with the buildings thereon to the state as memorial to their father upon the following conditions:

I. Said land shall be forever maintained by the state for the practice and demonstration of forestry and for the use and enjoyment of the people of New Hampshire and its visitors under the supervision of the forestry and recreation commission, or other similar state board;

II. The entrance roadway leading from the Whitefield-Lancaster highway to the summit of Mount Prospect, being within the boundaries of said premises, shall be maintained by the state highway department in a serviceable condition for public travel during the months of June to October inclusive each year;

III. The stone tower with such alterations as are necessary may be maintained and used for services in forest fire protection and as an observatory by the public;

IV. The buildings, including the residence, caretaker's cottage and garage, shall serve such purposes as the said commission may deem desirable or may be razed if found to serve no useful purpose for the state, but these buildings shall not be rented or leased for any private occupancy or private commercial purposes; providing that nothing in this clause shall prohibit the commission from conducting under its own auspices or by lease to others the sale of light refreshments, smoking material or other items for the convenience of the public, such use of the premises, however, to be conducted only at the top of the mountain and not in any event in the main residence, and in such manner as to minimize any commercial aspects of such conduct of business. The state may enter into agreement with other public agencies or with societies and organizations of a semi-public nature for the operation, management and occupancy of the buildings and their use by the public.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1. Gift Accepted.** The state of New Hampshire gratefully accepts the gift of Sinclair Weeks and Katherine W. Davidge for a memorial to John Wingate Weeks upon the terms and conditions hereinbefore set forth and the governor and council are hereby empowered to accept on behalf of the state a deed from said grantors of said tract of land subject to said terms and conditions.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved April 16, 1941.]

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## CHAPTER 74.

AN ACT AUTHORIZING TOWNS TO APPROPRIATE MONEY FOR  
PUBLIC PARKING AREAS.

*Be it enacted by the Senate and House of Representatives in  
General Court convened:*

**1. Town Appropriations.** Amend paragraph III of section 4 of chapter 42 of the Public Laws (paragraph III, section 4, chapter 51, commissioners' report) by striking out the next to the last word of said paragraph, inserting a comma in its place and adding at the end thereof the following; and public parking areas, so that said paragraph as amended shall read as follows: III. HIGHWAYS. To lay out, build and repair highways, sidewalks, bridges and public parking areas.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved April 16, 1941.]

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## CHAPTER 75.

AN ACT RELATIVE TO MUNICIPAL PERMIT FEES FOR CERTAIN  
AGRICULTURAL VEHICLES.

*Be it enacted by the Senate and House of Representatives in  
General Court convened:*

**1. Motor Vehicle Municipal Permits.** Amend section 14, chapter 100, Public Laws, as amended by section 1, chapter 12, Laws of 1927, and chapter 29, Laws of 1933 (section 20, chapter 116, commissioners' report) by adding at the end of said section the following: Provided, however, that the fee collected hereunder for a commercial vehicle or truck, used for agricultural purposes only and used on the public highways within a radius of five miles from the main entrance of the farm upon which said vehicle is operated which said commercial vehicle or truck is not used for the purpose of trans-

porting produce or goods for sale or for hire, shall be two dollars, so that said section as amended shall read as follows:

**14. Fees.** The treasurer of each city, or such other person as the city government may designate, and the town clerk of each town shall collect fees for such permits as follows: On each motor vehicle offered for registration a sum equal to seventeen mills on each dollar of the maker's list price for the current year of manufacture, twelve mills for the first succeeding year, nine mills for the second succeeding year, five mills for the third succeeding year, three mills for the fourth and succeeding years, provided, however, that the fee collected hereunder for a commercial vehicle or truck, used for agricultural purposes only and used on the public highways within a radius of five miles from the main entrance of the farm upon which said vehicle is operated which said commercial vehicle or truck is not used for the purpose of transporting produce or goods for sale or for hire, shall be two dollars.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved April 17, 1941.]

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## CHAPTER 76.

### AN ACT RELATIVE TO TAKING BROOK TROUT IN PARTRIDGE LAKE IN LITTLETON.

*Be it enacted by the Senate and House of Representatives in  
General Court convened:*

**1. Temporary Open Season.** For the period from April fifteenth to May first, 1941, brook trout not less than seven inches in length may be taken by the use of either bait or artificial flies from Partridge lake in Littleton.

**2. Application of Laws.** The provisions of law relative to creel limit, possession and transportation of brook trout shall apply to brook trout taken under the provisions hereof and also penalties for illegal taking. Such of the provisions of chapter 201 of the Public Laws, as inserted by chapter 169, Laws of 1939, and as amended by chapter 50 of the Laws of 1941, as are inconsistent with the provisions of this act are

hereby suspended for the period from April fifteenth to May first, 1941.

**3. Takes Effect.** This act shall take effect upon its passage.

[Approved April 17, 1941.]

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## CHAPTER 77.

AN ACT RELATING TO THE TAXATION OF PERSONAL PROPERTY.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1. Taxation of Personal Property.** Amend section 5 of chapter 61 of the Public Laws (section 5, chapter 74, commissioners' report) by striking out the words "September first" in the fourth line and inserting in place thereof the words, "December thirty-first, so that said section as amended shall read as follows: **5. Removal.** Any person going into any town in this state, and taking with him any property upon which a tax has not been assessed and paid elsewhere for that year, and doing business therein with such property after April first and before December thirty-first of any year, shall be taxed on such property in such town as in the cases of persons who have escaped taxation.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved April 17, 1941.]

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## CHAPTER 78.

AN ACT RELATING TO INSURANCE COMPANIES.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1. Fees.** Amend section 58 of chapter 275 of the Public Laws as amended by section 2 of chapter 32 of the Laws of 1933 (commissioners' report, chapter 316, section 62) by striking out said section and inserting in place thereof the following: **58. Fees.** Every such company desiring to do an insurance business herein, may do so upon complying with



the requirements of this chapter and paying one hundred fifty dollars to the commissioner on or before April first of each year. Said sum shall cover all fees, including that for filing, charter and by-laws, annual statement, application for license, including renewal thereof, and all other statements, bonds, documents or papers; in addition such company shall pay to the commissioner for each agent's license and renewal thereof the sum of two dollars. The foregoing fees shall accompany each application for agent's license and a company's application to do business. Every such company may do such business in the year beginning April 1, 1941 by paying to the commissioner upon receiving notice of the amount due the sum of one hundred fifty dollars less any proper credits for filing fees paid prior to the passage of this act.

**2. Acts Repealed.** Amend sections 17, 18 and 19 of chapter 70 of the Public Laws (commissioners' report, chapter 85, sections 17, 18 and 19) by striking out said sections.

**3. Constitutionality.** If any provisions of this act or the application thereof to any person or circumstances is held invalid, the remainder of the act and the application of such provisions to other persons and circumstances shall not be affected thereby.

**4. Takes Effect.** This act shall take effect upon its passage.

[Approved April 22, 1941.]

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## CHAPTER 79.

### AN ACT RELATIVE TO THE TERMS OF OFFICE OF THE BOARD OF PROBATION.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1. Filling Vacancies in the Board.** Amend section 1 of chapter 143 of the Laws of 1937 (section 1, chapter 369, commissioners' report) by striking out said section and inserting in place thereof the following: **1. Board of Probation.** There shall be a board of probation consisting of three members, not more than two of whom shall be from any one major political party, to be appointed by the governor and council for a three-year term, each of whom shall continue in office

until his successor has been appointed and qualified. If a vacancy shall occur in said board it shall be filled for the remainder of the term. All members of the board shall serve without pay, but shall be reimbursed by the state for the necessary expenses incurred in the performance of their duties. Any member of the board may be removed for cause by the governor, with the advice and consent of the council. The board shall elect a chairman and clerk.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved April 22, 1941.]

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## CHAPTER 80.

### AN ACT RELATING TO DEFINITIONS AND STANDARDS UNDER THE FOOD AND DRUG LAW.

*Be it enacted by the Senate and House of Representatives in  
General Court convened:*

**1. Regulations of State Board of Health.** Amend section 12 of chapter 139, Public Laws, as amended by chapter 45, Laws of 1929 (section 12, chapter 162, commissioners' report) by striking out the words "including the adoption of such definitions and standards of purity as may from time to time be promulgated by the secretary of agriculture of the United States" and substituting therefor the following: including as a part of said rules and regulations, when not inconsistent with existing laws, the adoption of such definitions and standards of identity as may from time to time be promulgated under the federal food, drug and cosmetic act, also similar adoption of regulations promulgated under the federal meat inspection act, so that said section as amended shall read as follows: **12. Enforcement; Rules; Inspections.** The state board of health is charged with the enforcement of this chapter. Said board may make rules and regulations for the proper enforcement thereof, including as a part of said rules and regulations, when not inconsistent with existing laws, the adoption of such definitions and standards of identity as may from time to time be promulgated under the federal food, drug and cosmetic act, also similar adoption of regulations promulgated under the federal meat inspection act. It shall

cause inspections to be made of the quality, condition and branding of foods and drugs found on sale, possessed for sale, or in process of manufacture or distribution, and shall collect samples for analysis at its laboratories. All inspectors and other employees appointed by said board shall be permitted access at all reasonable hours to all places of business concerned in the manufacture, production, transportation, distribution and sale of foods and drugs; shall have power to open and examine any package or container of any kind containing, or believed to contain, any article of food or drugs which may be manufactured, distributed, sold or possessed for sale in violation of the provisions of this chapter and to take samples therefrom for analysis, tendering to the manufacturer, distributor or vendor the value thereof.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved April 22, 1941.]

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## CHAPTER 81.

### AN ACT RELATING TO REIMBURSEMENT OF TOWNS.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1. Flood Control Projects.** Amend section 1, chapter 204, Laws of 1939 (commissioners' report, section 4, chapter 3) by striking out the word "three" in line fourteen and inserting in its place the word, five, so that said section as amended shall read as follows: **1. Reimbursement to Cities and Towns Authorized.** On or before the first day of October of each year, the state treasurer shall pay to each town and city in which any land or interest therein is acquired by the United States, with the consent of the state, for use in connection with the construction, maintenance and operation of flood control projects named in section 1 of an act entitled "An Act consenting to the acquisition of land by the United States for flood control and navigation purposes," approved May 31, 1939, a sum equal to the taxes which would have been assessed against said lands or interest therein in such town if the same had been included in the list of taxable property for such year, at the assessed valuation of the same as determined for the tax

year 1939, for a period of five years next ensuing the year said lands or interest therein becomes exempt from taxation, less any amount paid or due that town for that year by or from the United States or any agency thereof because of loss of taxable valuation, the amount of said payment to be determined by the tax commission and certified by it to the state treasurer on or before the fifteenth day of September of each year for which such reimbursement is to be made hereunder; and the governor is hereby authorized to draw his warrant for the payment thereof out of any money in the treasury not otherwise appropriated. Provided, however, that no payments shall be made or required hereunder on account of reimbursement for loss of taxes on any structure which may be erected on such premises in connection with the construction or use of said project, or on account of any railroad or other public utility which may be relocated as a result of such acquisition and which thereafter is included in the list of taxable property in said town when relocated.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved April 22, 1941.]

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## CHAPTER 82.

### AN ACT RELATING TO THE REGISTER OF DEEDS FOR STRAFFORD COUNTY.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1. Register of Deeds, Strafford County.** Amend section 14 of chapter 40 of the Public Laws (section 16, chapter 49, commissioners' report) by striking out said section and inserting in place thereof the following: 14. **Compensation.** The register of deeds for Strafford county shall receive as compensation the full amount of all fees received by him by virtue of his office, and shall not be entitled to other compensation from the county for himself or his office assistant, on account of said office.

**2. Repeal.** Sections 15, 16 and 17 of said chapter 40 (sections 17, 18 and 19 of said chapter 49) relative to disposition of fees and salary of office assistant, are hereby repealed.

**3. Takes Effect.** This act shall take effect upon its passage.

[Approved April 29, 1941.]

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### CHAPTER 83.

AN ACT RELATIVE TO TAKING BROOK TROUT FROM CERTAIN  
LAKES AND PONDS IN COOS COUNTY.

*Be it enacted by the Senate and House of Representatives in  
General Court convened:*

**1. Repeal.** Section 3 of chapter 201 of the Public Laws as inserted by chapter 50, Laws of 1941, relative to taking brook trout in certain lakes and ponds in Coos county is hereby repealed.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved April 29, 1941.]

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### CHAPTER 84.

AN ACT RELATING TO SUPPORT OF CHILDREN.

*Be it enacted by the Senate and House of Representatives in  
General Court convened:*

**1. Divorce Proceedings.** Amend section 15 of chapter 287 of the Public Laws (section 15, chapter 330, commissioners' report) by striking out said section and inserting in place thereof the following: **15. Support of Children.** In all cases where there shall be a decree of divorce or nullity, the court shall make such further decree in relation to the support, education and custody of the children as shall be most conducive to their benefit, and may order a reasonable provision for their support and education.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved April 29, 1941.]

## CHAPTER 85.

AN ACT TO PREVENT PUBLIC OFFICIALS FROM BUYING PROPERTY  
FROM THEMSELVES FOR THE CITY, COUNTY OR STATE.

*Be it enacted by the Senate and House of Representatives in  
General Court convened:*

**1. Public Officials Barred from Certain Private Dealings.**

No person holding a public office, excepting only members of the general court, as such, for which remuneration in the form of wages, salary or per diem is paid, in city, county or state governmental service shall, by contract or otherwise, except by open competitive bidding, sell or buy goods, commodities, or other personal property of a value in excess of twenty-five dollars at any one sale to or from the city, county or state by which said official is paid.

**2. Penalty.** Anyone violating the provisions of the foregoing section shall be fined not more than five thousand dollars, and upon conviction there shall automatically be a vacancy in the office held by the person convicted, which shall be filled as otherwise provided by law.

**3. Takes Effect.** This act shall take effect upon its passage.

[Approved April 29, 1941.]

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## CHAPTER 86.

AN ACT PROVIDING FOR THE CONSTRUCTION OF A SEA WALL  
SITUATED IN THE TOWN OF HAMPTON BETWEEN  
HAVERHILL STREET AND A POINT OPPOSITE  
THE ASHWORTH HOTEL.

*Be it enacted by the Senate and House of Representatives in  
General Court convened:*

**1. Governor and Council Empowered.** The governor, with the advice of the council, is hereby authorized and empowered to construct such sea wall or walls or other structures as may be necessary or desirable to protect the beach and state highway situated in the town of Hampton between Haverhill street and a point opposite the Ashworth Hotel.

**2. Appropriation.** A sum not exceeding one hundred seventy-five thousand dollars (\$175,000) is hereby appropriated for the purposes set forth in section 1.

**3. Construction.** The work of construction shall be under the supervision and direction of the state highway commissioner.

**4. Cost.** One-half the cost of the aforesaid construction shall be a charge upon the state highway fund.

**5. Bond Issue Authorized.** The state treasurer, under the direction of the governor and council, is hereby authorized to borrow upon the credit of the state an amount not exceeding eighty-seven thousand five hundred dollars (\$87,500) to provide the funds for the balance of the aforesaid construction cost herein appropriated and for that purpose may issue bonds at such times, in such denominations and with such rates of interest, dates of maturity and other provisions as the governor and council shall determine. The bonds authorized herein shall be signed by the state treasurer and countersigned by the governor and shall be deemed a pledge of the faith and credit of the state.

**6. Accounts; Sale; Disposition of Proceeds.** The secretary of state shall keep an account of all such bonds countersigned by the governor, showing the number and amount of each bond, the time of countersigning, the date of delivery to the treasurer and the date of maturity. The state treasurer shall keep an account of each bond showing the number thereof, the name of the person to whom sold, the amount received for the same, the date of the sale and the date of maturity. The treasurer may negotiate and sell such bonds by direction of the governor and council in such manner as they may determine most advantageous for the state and shall hold the proceeds thereof subject to the provisions of this act.

**7. Short-Term Notes.** Prior to the issuance of the bonds above described the state treasurer, upon the direction of the governor and council, is hereby authorized for the purposes of this act to borrow money from time to time on short-term loans to be refunded by the issuance of the bonds above described. The provisions of section 34 of chapter 15 of the Public Laws as amended by chapter 9 of the Laws of 1927 and chapter 97 of the Laws of 1929 shall not operate to limit the time within which said short-term loans may be made.

**8. Payment of Funds.** The proceeds from the sale of the bonds or short-term notes authorized by this act and the other funds herein appropriated shall be paid by the state treasurer upon warrant drawn by the governor with the advice and consent of the council for the purposes of this act alone.

**9. Takes Effect.** This act shall take effect upon its passage.

[Approved April 29, 1941.]

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## CHAPTER 87.

### AN ACT RELATING TO THE RECONSTRUCTION OF A TOLL BRIDGE AT HAMPTON HARBOR.\*

*Be it enacted by the Senate and House of Representatives in  
General Court convened:*

**1. Hampton Harbor Toll Bridge.** Amend section 1 of chapter 207 of the Laws of 1939 by striking out the words and figures "three hundred and fifty thousand dollars (\$350,000)" and inserting in place thereof the words and figures, four hundred and fifty thousand dollars (\$450,000), so that said section as amended shall read as follows: **1. Appropriation.** A sum not exceeding four hundred and fifty thousand dollars (\$450,000) is hereby appropriated for the purpose of rebuilding the Hampton Harbor toll bridge, providing for new approaches thereto and removing the present bridge structure to be expended under the direction of the governor and council.

**2. Condition Removed.** Further amend said chapter 207 by striking out section 3 thereof.

**3. Amendment.** Further amend said chapter 207 by striking out the words "three hundred and fifty thousand dollars" in section 4 and inserting in place thereof the words, four hundred and fifty thousand dollars, so that said section as amended shall read as follows: **4. Bond Issue Authorized.** The state treasurer, under the direction of the governor and council, is hereby authorized to borrow upon the credit of the state an amount not exceeding four hundred and fifty thousand dollars to provide the funds herein appropriated and for

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\* See also chapter 161, *post*.



that purpose may issue bonds at such times, in such denominations and with such rates of interest, dates of maturity and other provisions as the governor and council shall determine. Such bonds shall contain an express guarantee, which shall be deemed a contract on the part of the state, that tolls will be collected, in accordance with the provisions hereof until the date of maturity of said bonds or until sufficient money shall have accumulated to pay said bond issue and the interest thereon at the dates of maturity. The bonds authorized herein shall be signed by the state treasurer and countersigned by the governor and shall be deemed a pledge of the faith and credit of the state.

**4. Tolls.** Further amend said chapter 207 by striking out section 8 and inserting in place thereof the following new section: **8. Tolls.** The provisions of section 6 of chapter 159 of the Laws of 1933, as amended by chapter 50 of the Laws of 1935, relative to tolls shall apply to the collection of tolls upon the reconstructed Hampton Harbor toll bridge. Said tolls shall be collected until (a) the bonds issued under the provisions of said chapter 159 of the Laws of 1933, those issued under the provisions of said chapter 50 of the Laws of 1935, and those issued under the provisions of this chapter have been paid or until sufficient money shall have accumulated to pay said bonds and the interest thereon at maturity, and (b) sufficient funds shall have accumulated from net toll receipts to reimburse the state with respect to principal and interest for any funds paid upon warrant of the governor and council by reason of insufficient sinking fund balances to meet principal and interest payments on said bonds, and (c) the state shall have been reimbursed as to principal and interest for all sums that may be appropriated and spent under the provisions of an act of the 1941 session of the legislature entitled "An Act providing for the construction of a sea wall situated in the town of Hampton between Haverhill street and a point opposite the Ashworth Hotel."\*

**5. Deficiency.** Further amend said chapter 207 by adding the following new section at the end of section 9 thereof: **9-a. Deficiency.** In the event that there shall be insufficient money in any year from the sinking fund applicable to said reconstructed toll bridge to meet the requirements of any accrued installment of interest or principal upon the bonds issued

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\* See also chapter 86, *ante*.

under the provisions of this chapter the governor with the advice and consent of the council shall draw his warrant for the payment of any such deficiency out of any money in the treasury not otherwise appropriated. The general funds shall be reimbursed for such payments from net toll receipts as provided in section 8.

**6. Takes Effect.** This act shall take effect upon its passage.

[Approved April 29, 1941.]

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## CHAPTER 88.

AN ACT TO AUTHORIZE BANKS AND OTHER INSTITUTIONS TO ACT  
AS AGENTS FOR THE SALE OF UNITED STATES  
DEFENSE BONDS.

*Be it enacted by the Senate and House of Representatives in  
General Court convened:*

**1. Institutions Under Supervision of Bank Commissioner.** Amend chapter 260 of the Public Laws (chapter 299, commissioners' report) by adding at the end thereof the following new section: **27. Authority to Act as Agent and to Pledge Collateral.** Any state bank, trust company, mutual savings bank, guaranty savings bank, building and loan association or any other institution under the supervision of the bank commissioner is hereby authorized to act as fiscal or financial agent of the United States government, or of any instrumentality thereof, in the sale and issue of United States Defense Savings Bonds and other similar bonds and Defense Postal Savings Stamps and other similar savings stamps and may pledge its assets to the United States in connection with the sale of such bonds or stamps and do any and all things incidental or necessary to give effect to this section. Nothing contained herein shall be construed as authorizing such bank or other institution to pledge its assets to secure deposits except for the purposes hereof.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved April 29, 1941.]

## CHAPTER 89.

AN ACT RELATING TO EXEMPTION OF MEMBERS OF THE LEGISLATURE FROM PAYING BRIDGE TOLL.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1. Toll Exemption.** Amend chapter 64, Laws of 1933, by inserting after section 9 the following new section: **9-a. Toll Exemption.** Members and attaches of the general court shall be exempt from paying tolls while going to and from legislative sessions.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved April 29, 1941.]

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CHAPTER 90.

AN ACT RELATING TO THE SALE OF BEVERAGES ON ELECTION DAYS AFTER THE POLLS ARE CLOSED.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1. Sale of Liquor and Beverages on Election Days.** Amend section 12 of chapter 3 of the Laws of 1934, as amended by chapters 13 and 68, Laws of 1935 (section 12, chapter 167, commissioners' report) by inserting after the words "election days" where they occur in the fifth and ninth lines the words, while the polls are open, so that said section as amended shall read as follows: **12.\* Rules and Regulations.** Said commission shall have power to make all necessary and proper rules and regulations for carrying out the provisions of this act, and such rules and regulations shall have the effect of law. No sale of liquor or beverages shall be made on Sundays or election days while the polls are open except by persons holding licenses under the provisions of sections 19, 21, 22 and 23, provided that persons holding licenses under the provisions of section 19 when making sales of beverages on Sundays or election days while the polls are open shall sell only to *bona fide* guests with meals in the dining room or in the rooms of the guests. Liquor or beverages shall not be sold in any

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\* See also chapter 208, *post*.

establishment where booths that are not open at the end or that are more than forty-two inches high are used for serving patrons. Costumers may be erected and attached to the ends of booths. Such costumers shall be of such design and constructed in such manner as approved by the commission.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved April 29, 1941.]

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## CHAPTER 91.

AN ACT RELATING TO THE STATE BOARD OF ACCOUNTANCY.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1. Certified Public Accountants.** Amend section 8 of chapter 270 of the Public Laws, as inserted by chapter 112 of the Laws of 1937 (section 8, chapter 311, commissioners' report) by striking out in the first three lines the words, "All such certified public accountants shall practice in this state for one year after admission thereto" so that said section as amended shall read as follows: **8. Annual Registration.** Annually, each certified public accountant shall register at the office of the board of accountancy giving his then residence and place of business and such other information as the board may require. The annual fee for such registration shall be five dollars, to be paid to said board. Said board shall thereupon file a duplicate of the registration in the office of the secretary of state. Said accountant shall be entitled to a certificate from said board setting forth the fact of the annual registration, payment of the fee and recording thereof. The fees collected under this chapter shall be paid into the state treasury, and the state treasurer, on warrant of the governor, shall pay out of the funds so paid into the treasury all expenses incident to the examinations, the expenses of issuing certificates and fees and expenses of the members of the board while performing their duties under this chapter, and shall also place in the hands of the board of accountancy as a working fund such sums as the governor may approve, the same to be advanced out of the fees paid into the treasury by the board. An account thereof shall be made to the state

treasurer monthly, or as much oftener as the governor and council shall direct. No expenses incurred under this chapter shall be a charge against the general funds of the state. The board shall annually report the number of certificates issued and the receipts and expenses under this chapter during each fiscal year to the governor and council.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved April 30, 1941.]

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## CHAPTER 92.

AN ACT DEFINING AND PROHIBITING UNFAIR SALES PRACTICES,  
WITH A VIEW TO PREVENTING THE ADVERTISING OR OFFER-  
ING FOR SALE OR THE SELLING, BELOW COST, OF  
MERCHANDISE FOR THE PURPOSE OF INJUR-  
ING COMPETITORS OR DESTROYING  
COMPETITION.

*Be it enacted by the Senate and House of Representatives in  
General Court convened:*

### 1. Definitions.

I. The term "cost to the retailer" shall mean the invoice cost of the merchandise to the retailer, or the replacement cost of the merchandise to the retailer, within thirty days prior to the date of sale, in the quantity last purchased, whichever is lower; less all trade discounts except customary discounts for cash; to which shall be added (1) freight charges not otherwise included in the cost of the merchandise (2) cartage to the retail outlet if performed or paid for by the retailer, which cartage cost shall be deemed to be three-fourths of one per cent of the cost of the merchandise to the retailer, unless said retailer claims and proves a lower cartage cost, and (3) a mark-up to cover in part the cost of doing business, which mark-up, in the absence of proof of a lesser cost, shall be six per cent of the total cost at the retail outlet; except as hereinafter provided in paragraph VIII.

II. The term "cost to the wholesaler" shall mean the invoice cost of the merchandise to the wholesaler, or the replacement cost of the merchandise to the wholesaler, within thirty days prior to the date of sale, in the quantity last pur-

chased, whichever is lower; less all trade discounts except customary discounts for cash; to which shall be added (1) freight charges not otherwise included in the cost of the merchandise, and (2) cartage to the retail outlet if performed or paid for by the wholesaler, which cartage cost shall be deemed to be three-fourths of one per cent of the cost of the merchandise to the wholesaler, unless said wholesaler claims and proves a lower cartage cost, and (3) a mark-up to cover in part the cost of doing business, which mark-up, in the absence of proof of a lesser cost, shall be two per cent of the total cost at the wholesale establishment.

III. Where two or more items are advertised, offered for sale or sold at a combined price, the price of each such item shall be determined in the manner set forth in paragraphs I and II.

IV. The terms "cost to the retailer" and "cost to the wholesaler" as defined in said paragraphs I and II shall mean *bona fide* costs; and sales to consumers, retailers and wholesalers at prices which cannot be justified by existing market conditions within this state shall not be used as a basis for computing replacement costs with respect to sales by retailers and wholesalers.

V. The terms "sell at retail", "sales at retail" and "retail sale" shall mean and include any transfer of title to tangible personal property for a valuable consideration made, in the ordinary course of trade or in the usual prosecution of the seller's business, to the purchaser for consumption or use other than resale or further processing or manufacturing. The terms "sell at wholesale", "sales at wholesale" and "wholesale sale" shall mean and include any such transfer of title to tangible personal property for the purpose of resale or further processing or manufacturing. In this and in the preceding paragraph the above-mentioned terms shall include any such transfer of property where title is retained by the seller as security for the payment of the purchase price.

VI. The term "retailer" shall mean and include every person, copartnership, corporation or association engaged in the business of making sales at retail within this state; provided, that in the case of a retailer engaged in the business of making sales both at retail and at wholesale such term shall be applied only to the retail portion of such business.

VII. The term "wholesaler" shall mean and include every person, copartnership, corporation or association engaged in the business of making sales at wholesale within this state; provided, that in the case of a wholesaler engaged in the business of making sales both at wholesale and at retail such term shall be applied only to the wholesale portion of such.

VIII. Where a retailer sells at retail any merchandise which is the product of his or its own manufacture, or which has been purchased by him or it at the purchase price or prices available to wholesalers, both the wholesale mark-up of two per cent and the retail mark-up of six per cent shall be added in determining the "cost to the retailer" of such merchandise.

2. **Prohibition.** Any retailer who, with intent, or effect, of injuring competitors or destroying competition, advertises, offers to sell or sells at retail any item of merchandise at less than cost to the retailer, or any wholesaler who, with intent or effect as aforesaid, advertises, offers to sell or sells at wholesale any item of merchandise at less than cost to the wholesaler, shall be fined not more than three hundred dollars. Evidence of any advertisement, offer to sell or sale of any item of merchandise by any retailer or wholesaler at less than cost to him, as herein defined, shall be *prima facie* evidence of a violation of this act.

3. **Exceptions.** Sections 1 and 2 and sections 4 to 7, inclusive, shall not apply with respect to advertising or offering to sell, or selling, at retail or at wholesale, as the case may be, if done (a) in an isolated transaction and not in the usual course of business; (b) where merchandise is sold in *bona fide* clearance sales, if advertised or offered for sale as such or marked and sold as such, or where merchandise is marked down in an effort to sell the same after *bona fide* efforts to sell the same prior to such markdown; (c) where perishable merchandise must be sold promptly in order to forestall loss; (d) where merchandise is imperfect or damaged or its sale is being discontinued, if advertised or offered for sale as such or marked and sold as such; (e) where merchandise is advertised or offered for sale or sold upon the final liquidation of any business; (f) where merchandise is advertised or offered for sale or sold for charitable purposes or to relief agencies;

(g) where merchandise is sold on contract to any department, board or commission of the state or of any political subdivision thereof, or to any institution maintained thereby; (h) where the price of merchandise is made in good faith to meet legal competition; or (i) where merchandise is advertised or offered for sale or sold by any fiduciary or other officer acting under the order or direction of any court.

**4. Superior Court Jurisdiction.** Upon complaint of any person, the superior court shall have jurisdiction to restrain and enjoin any act forbidden or declared illegal by any provision of this act; and it shall be the duty of the several county solicitors, in their respective counties, to enforce, and restrain the violation of, this act.

**5. Conflicting Laws.** Whenever the application of any provision of any other law of this state conflicts with the application of any provision of this act, this act shall prevail.

**6. Constitutionality.** If any provision of this act, or the application of such provision to any person or circumstance, shall be held invalid, the remainder of said sections, or the application of such provisions to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.

**7. Act Named.** This act shall be known, and may be cited, as the "Unfair Sales Act".

**8. Takes Effect.** This act shall take effect sixty days after its passage.

[Approved May 1, 1941.]

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## CHAPTER 93.

### AN ACT RELATING TO SALES, INVESTMENTS BY TRUSTEES OF ESTATES.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1. Trustees of Estates.** Amend section 17 of chapter 309 of the Public Laws (section 17, chapter 353 of the commissioners' report) by striking out said section and inserting in place thereof the following: **17. Investments.** Trustees of estates, unless it is otherwise provided by the instrument



creating the trust, shall invest the assets of the trust in the following described classes of property only:

I. In notes secured by mortgages of real estate at least double in value of the notes, or in notes or bonds secured by mortgages insured by the federal housing administrator and guaranteed by the United States of America.

II. By deposit in some incorporated savings bank in this state, or in the savings department of a national bank or trust company located in this state, or in shares of any building and loan association or cooperative bank, incorporated and doing business under the laws of this state, or in the shares of any federal savings and loan association, located and doing business in this state.

III. In such other stocks and bonds as are legal investments for savings banks in this state.

IV. In such bonds or stocks or other securities as a prudent man would purchase for his own investment having primarily in view the preservation of the principal and the amount and regularity of the income to be derived therefrom; provided however, that not less than fifty per cent of the inventory or the cost value of the assets of the trust shall be invested in classes of property which qualify under paragraphs I, II, and III of this section.

**2. Sales.** Amend said chapter 309 (chapter 353) by inserting after section 17 the following section: **17-a. Sales.** Trustees shall be accountable for, and may be licensed to sell, stocks, bonds and other written evidence of debt.

**3. Repeal; Takes Effect.** All acts and parts of acts inconsistent herewith are hereby repealed, and this act shall take effect upon its passage.

[Approved May 1, 1941.]

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## CHAPTER 94.

AN ACT RELATING TO THE TAKING OF FISH IN CERTAIN STREAMS  
IN JACKSON AND VICINITY.

*Be it enacted by the Senate and House of Representatives in  
General Court convened:*

**1.\* Brook Trout, Fly Fishing.** Amend paragraph II of section 2 of chapter 201 of the Public Laws, as inserted by

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\* See also chapter 167, *post*.

chapter 50 of the Laws of 1941 by striking out said paragraph and inserting in place thereof the following: II. Echo lake, Conway; Ellis river beginning at the south side of the covered bridge at Jackson village thence upstream to the junction of the Wildcat and Ellis rivers; the Wildcat river from its junction with the Ellis river upstream to a marker one hundred yards south of the Fairview bridge, so called, at the head of Jackson Falls; the Wildcat river from a marker two hundred yards north of Fairview bridge, so called, upstream to a cement bridge commonly known as Gill bridge on the so-called Five Mile Circuit road; Hunkins pond, Sanbornton; James pond, Tamworth.

**2. Closed to all Fishing.** Amend paragraph III of section 30 of chapter 201 of the Public Laws, as inserted by chapter 169, Laws of 1939 by striking out said paragraph and inserting in place thereof the following: III. Cockermouth river in the towns of Hebron and Groton from the bridge at Sculpture Rocks, so called, to the shore line of Newfound lake, Connecticut river, in Pittsburg, the main river from the highest point of the Big Pitch to the First Connecticut lake level, all tributaries of Dead Diamond river in Dartmouth College Grant, Ellis river from its junction with the Wildcat river upstream to a marker two hundred yards above Granite Faced bridge on route 16 in Jackson village.

**3. Closed to all Fishing.** Amend paragraph X of section 30 of said chapter 201 by striking out said paragraph and inserting in place thereof the following: X. The inlet of Little Diamond pond in Stewartstown for a distance of one hundred feet from the inlet out into said pond and fifty feet on each side of said inlet, and Wildcat river from a marker one hundred yards south of Fairview bridge, so called, in Jackson, to a point two hundred yards north of said Fairview bridge.

**4. Takes Effect.** This act shall take effect upon its passage.

[Approved May 1, 1941.]

## CHAPTER 95.

AN ACT RELATING TO THE TAKING OF BROOK TROUT FROM SKY POND IN NEW HAMPTON.\*

*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1. Taking Brook Trout from Sky Pond.** Amend paragraph IV of section 2 of chapter 201 of the Public Laws, as inserted by chapter 50 of the Laws of 1941 by inserting after the word "Franklin" the words, Sky pond, New Hampton, so that said paragraph as amended shall read as follows: IV. Scobie's pond, Derry; Scott's Bog, Pittsburg; Shaw pond, Franklin; Sky pond, New Hampton; Stirrup Iron pond, Salisbury; Stonehouse pond, Barrington; Swift river, Tamworth; White pond, Ossipee.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved May 1, 1941.]

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## CHAPTER 96.

AN ACT RELATIVE TO TAKING BROOK TROUT IN SUNAPEE LAKE AND CERTAIN WATERS IN THE TOWNS OF PITTSBURG AND CLARKSVILLE.\*

*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1. Seven Inch Trout.** Brook trout not less than seven inches in length may be taken with and by the use of artificial flies only from May first to October first in Coon Brook Bog and its tributaries; Round pond and its tributaries; Scott's Bog and its tributaries; East Inlet to the Second Connecticut lake and its tributaries, all in the town of Pittsburg, and Clarksville pond in Clarksville.

**2. Sunapee Lake.** Brook trout not less than ten inches in length may be taken in Sunapee lake from May first to September first and by artificial flies only during the month of September.

**3. Limits.** During the open season therefor as provided in sections 1 and 2 hereof no person may take more than ten

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\* See also chapter 167, *post*.

brook trout or more than five pounds in weight in one day, provided that so long as he has taken less than ten in number and less than five pounds in weight he shall be entitled to take one additional fish.

**4. Amendment.** Such of the provisions of chapter 50 of the Laws of 1941, approved April 8, 1941, as are inconsistent with the provisions hereof are hereby repealed.

**5. Takes Effect.** This act shall take effect upon its passage.

[Approved May 1, 1941.]

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## CHAPTER 97.

AN ACT TO MAKE UNIFORM THE LAW OF WAREHOUSE RECEIPTS.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

### The Issue of Warehouse Receipts

**1. Persons Who May Issue Receipts.** Warehouse receipts may be issued by any warehouseman.

**2. Form of Receipts; Essential Terms.** Warehouse receipts need not be in any particular form, but every such receipt must embody within its written or printed terms:

(a) The location of the warehouse where the goods are stored,

(b) The date of issue of the receipt,

(c) The consecutive number of the receipt,

(d) A statement whether the goods received will be delivered to the bearer, to a specified person, or to a specified person or his order,

(e) The rate of storage charges,

(f) A description of the goods or of the packages containing them,

(g) The signature of the warehouseman, which may be made by his authorized agent,

(h) If the receipt is issued for goods of which the warehouseman is owner, either solely or jointly or in common with others, the fact of such ownership, and

(i) A statement of the amount of advances made and of liabilities incurred for which the warehouseman claims a lien. If the precise amount of such advances made or of such

liabilities incurred is, at the time of the issue of the receipt, unknown to the warehouseman or to his agent who issues it, a statement of the fact that advances have been made or liabilities incurred and the purpose thereof is sufficient.

A warehouseman shall be liable to any person injured thereby, for all damage caused by the omission from a negotiable receipt of any of the terms herein required.

**3. What Terms May be Inserted.** A warehouseman may insert in a receipt, issued by him, any other terms and conditions, provided that such terms and conditions shall not:

(a) Be contrary to the provisions of this act,

(b) In any wise impair his obligation to exercise that degree of care in the safe-keeping of the goods entrusted to him which a reasonably careful man would exercise in regard to similar goods of his own.

**4. Definition of Non-Negotiable Receipt.** A receipt in which it is stated that the goods received will be delivered to the depositor, or to any other specified person, is a non-negotiable receipt.

**5. Definition of Negotiable Receipt.** A receipt in which it is stated that the goods received will be delivered to the bearer, or to the order of any person named in such receipt, is a negotiable receipt. No provision shall be inserted in a negotiable receipt that it is non-negotiable. Such provision, if inserted, shall be void.

**6. Duplicate Receipts Must be so Marked.** When more than one negotiable receipt is issued for the same goods, the word "duplicate" shall be plainly placed upon the face of every such receipt, except the one first issued. A warehouseman shall be liable for all damage caused by his failure so to do to any one who purchased the subsequent receipt for value supposing it to be an original, even though the purchase be after the delivery of the goods by the warehouseman to the holder of the original receipt.

**7. Failure to Mark "Not Negotiable."** A non-negotiable receipt shall have plainly placed upon its face by the warehouseman issuing it "non-negotiable," or "not negotiable." In case of the warehouseman's failure so to do, a holder of the receipt who purchased it for value supposing it to be negotiable, may, at his option, treat such receipt as imposing upon the warehouseman the same liabilities he would have incurred had the receipt been negotiable. This section shall not apply,

however, to letters, memoranda, or written acknowledgments of an informal character.

### **Obligations and Rights of Warehousemen Upon Their Receipts**

**8. Obligation of Warehouseman to Deliver.** A warehouseman, in the absence of some lawful excuse provided by this act, is bound to deliver the goods upon a demand made either by the holder of a receipt for the goods or by the depositor, if such demand is accompanied with:

- (a) An offer to satisfy the warehouseman's lien,
- (b) An offer to surrender the receipt if negotiable, with such indorsements as would be necessary for the negotiation of the receipt, and
- (c) A readiness and willingness to sign, when the goods are delivered, an acknowledgment that they have been delivered, if such signature is requested by the warehouseman.

In case the warehouseman refuses or fails to deliver the goods in compliance with a demand by the holder or depositor so accompanied, the burden shall be upon the warehouseman to establish the existence of a lawful excuse for such refusal.

**9. Justification of Warehouseman in Delivering.** A warehouseman is justified in delivering the goods, subject to the provisions of the three following sections, to one who is:

- (a) The person lawfully entitled to the possession of the goods, or his agent,
- (b) A person who is either himself entitled to delivery by the terms of a non-negotiable receipt issued for the goods, or who has written authority from the person so entitled either indorsed upon the receipt or written upon another paper, or
- (c) A person in possession of a negotiable receipt by the terms of which the goods are deliverable to him or order, or to bearer, or which has been indorsed to him or in blank by the person to whom delivery was promised by the terms of the receipt or by his mediate or immediate indorsee.

**10. Warehouseman's Liability for Misdelivery.** Where a warehouseman delivers the goods to one who is not in fact lawfully entitled to the possession of them, the warehouseman shall be liable as for conversion to all having a right of property or possession in the goods if he delivered the goods otherwise than as authorized by paragraphs (b) and (c) of the

preceding section and though he delivered the goods as authorized by said paragraphs he shall be so liable, if prior to such delivery he had either:

(a) Been requested, by or on behalf of the person lawfully entitled to a right of property or possession in the goods, not to make such delivery, or

(b) Had information that the delivery about to be made was to one not lawfully entitled to the possession of the goods.

**11. Negotiable Receipts Must be Canceled When Goods Delivered.** Except as provided in section 36, where a warehouseman delivers goods for which he had issued a negotiable receipt, the negotiation of which would transfer the right to the possession of the goods, and fails to take up and cancel the receipt, he shall be liable to any one who purchases for value in good faith such receipt, for failure to deliver the goods to him, whether such purchaser acquired title to the receipt before or after the delivery of the goods by the warehouseman.

**12. Negotiable Receipts Must be Canceled or Marked When Part of Goods Delivered.** Except as provided in section 36, where a warehouseman delivers part of the goods for which he had issued a negotiable receipt and fails either to take up and cancel such receipt, or to place plainly upon it a statement of what goods or packages have been delivered he shall be liable, to any one who purchases for value in good faith such receipt, for failure to deliver all the goods specified in the receipt, whether such purchaser acquired title to the receipt before or after the delivery of any portion of the goods by the warehouseman.

**13. Altered Receipts.** The alteration of a receipt shall not excuse the warehouseman who issued it from any liability if such alteration was:

(a) Immaterial,

(b) Authorized, or

(c) Made without fraudulent intent.

If the alteration was authorized, the warehouseman shall be liable according to the terms of the receipt as altered. If the alteration was unauthorized, but made without fraudulent intent, the warehouseman shall be liable according to the terms of the receipt, as they were before alteration.

Material and fraudulent alteration of a receipt shall not excuse the warehouseman who issued it from liability to deliver, according to the terms of the receipt as originally issued, the goods for which it was issued, but shall excuse him from any other liability to the person who made the alteration and to any person who took with notice of the alteration. Any purchaser of the receipt for value without notice of the alteration shall acquire the same rights against the warehouseman which such purchaser would have acquired if the receipt had not been altered at the time of the purchase.

**14. Lost or Destroyed Receipts.** Where a negotiable receipt has been lost or destroyed, the superior court may order the delivery of the goods upon satisfactory proof of such loss or destruction and upon the giving of a bond with sufficient sureties to be approved by the court to protect the warehouseman from any liability or expense which he or any person injured by such delivery may incur by reason of the original receipt remaining outstanding. The delivery of the goods under an order of the court as provided in this section shall not relieve the warehouseman from liability to a person to whom the negotiable receipt has been or shall be negotiated for value without notice of the proceedings or of the delivery of the goods.

**15. Effect of Duplicate Receipts.** A receipt upon the face of which the word "duplicate" is plainly placed is a representation and warranty by the warehouseman that such receipt is an accurate copy of an original receipt properly issued and uncanceled at the date of the issue of the duplicate, but shall impose upon him no other liability.

**16. Warehouseman Cannot Set up Title in Himself.** No title or right to the possession of the goods, on the part of the warehouseman, unless such title or right is derived directly or indirectly from a transfer made by the depositor at the time of or subsequent to the deposit for storage, or from the warehouseman's lien, shall excuse the warehouseman from liability for refusing to deliver the goods according to the terms of the receipt.

**17. Interpleader of Adverse Claimants.** If more than one person claims the title or possession of the goods, the warehouseman may, either as a defense to an action brought against him for nondelivery of the goods, or as an original



suit, whichever is appropriate, require all known claimants to interplead.

**18. Warehouseman has Reasonable Time to Determine Validity of Claims.** If some one other than the depositor or person claiming under him has a claim to the title or possession of the goods, and the warehouseman has information of such claim, the warehouseman shall be excused from liability for refusing to deliver the goods, either to the depositor or person claiming under him or to the adverse claimant, until the warehouseman has had a reasonable time to ascertain the validity of the adverse claim or to bring legal proceedings to compel all claimants to interplead.

**19. Adverse Title is no Defense Except as Above Provided.** Except as provided in the two preceding sections and in sections 9 and 36, no right or title of a third person shall be a defense to an action brought by the depositor or person claiming under him against the warehouseman for failure to deliver the goods according to the terms of the receipt.

**20. Liability for Non-Existence or Misdescription of Goods.** A warehouseman shall be liable to the holder of a receipt, issued by him or on his behalf by an agent or employee the scope of whose actual or apparent authority includes the issuing of warehouse receipts, for damages caused by the non-existence of the goods or by the failure of the goods to correspond with the description thereof in the receipt at the time of its issue. If, however, the goods are described in a receipt merely by a statement of marks or labels upon them, or upon packages containing them, or by a statement that the goods are said to be goods of a certain kind, or that the packages containing the goods are said to contain goods of a certain kind, or by words of like purport, such statements, if true, shall not make liable the warehouseman issuing the receipt, although the goods are not of the kind which the marks or labels upon them indicate, or of the kind they were said to be by the depositor.

**21. Liability for Care of Goods.** A warehouseman shall be liable for any loss or injury to the goods caused by his failure to exercise such care in regard to them as a reasonably careful owner of similar goods would exercise, but he shall not be liable, in the absence of an agreement to the contrary, for any loss or injury to the goods which could not have been avoided by the exercise of such care.

**22. Goods Must be Kept Separate.** Except as provided in the following section, a warehouseman shall keep the goods so far separate from goods of other depositors, and from other goods of the same depositor for which a separate receipt has been issued, as to permit at all times the identification and redelivery of the goods deposited.

**23. Fungible Goods May be Commingled, if Warehouseman Authorized.** If authorized by agreement or by custom, a warehouseman may mingle fungible goods with other goods of the same kind and grade. In such case the various depositors of the mingled goods shall own the entire mass in common and each depositor shall be entitled to such portion thereof as the amount deposited by him bears to the whole.

**24. Liability of Warehouseman to Depositors of Commingled Goods.** The warehouseman shall be severally liable to each depositor for the care and re-delivery of his share of such mass to the same extent and under the same circumstances as if the goods had been kept separate.

**25. Attachment or Levy Upon Goods for Which Negotiable Receipt Has Been Issued.** If goods are delivered to a warehouseman by the owner or by a person whose act in conveying the title to them to a purchaser in good faith for value would bind the owner, and a negotiable receipt is issued for them, they cannot thereafter, while in the possession of the warehouseman, be attached by trustee proceedings or otherwise, or be levied upon under an execution, unless the receipt be first surrendered to the warehouseman, or its negotiation enjoined. The warehouseman shall in no case be compelled to deliver up the actual possession of the goods until the receipt is surrendered to him or impounded by the court.

**26. Creditors' Remedies to Reach Negotiable Receipts.** A creditor whose debtor is the owner of a negotiable receipt shall be entitled to such aid from the superior court, by injunction and otherwise, in attaching such receipt or in satisfying the claim by means thereof as is allowed at law or in equity, in regard to property which cannot readily be attached or levied upon by ordinary legal process.

**27. What Claims are Included in the Warehouseman's Lien.** Subject to the provisions of section 30, a warehouseman shall have a lien on goods deposited or on the proceeds thereof in his hands, for all lawful charges for storage and

preservation of the goods; also for all lawful claims for money advanced, interest, insurance, transportation, labor, weighing, cooping and other charges and expenses in relation to such goods; also for all reasonable charges and expenses for notice, and advertisements of sale, and for sale of the goods where default has been made in satisfying the warehouseman's lien.

**28. Against What Property the Lien May be Enforced.** Subject to the provisions of section 30 a warehouseman's lien may be enforced:

(a) Against all goods, whenever deposited, belonging to the person who is liable as debtor for the claims in regard to which the lien is asserted, and

(b) Against all goods belonging to others which have been deposited at any time by the person who is liable as debtor for the claims in regard to which the lien is asserted if such person had been so entrusted with the possession of the goods that a pledge of the same by him at the time of the deposit to one who took the goods in good faith for value would have been valid.

**29. How the Lien May be Lost.** A warehouseman loses his lien upon goods:

(a) By surrendering possession thereof, or

(b) By refusing to deliver the goods when a demand is made with which he is bound to comply under the provisions of this act.

**30. Negotiable Receipt Must State Charges for Which Lien is Claimed.** If a negotiable receipt is issued for goods, the warehouseman shall have no lien thereon, except for charges for storage of those goods subsequent to the date of the receipt, unless the receipt expressly enumerates other charges for which a lien is claimed. In such case there shall be a lien for the charges enumerated so far as they are within the terms of section 27, although the amount of the charges so enumerated is not stated in the receipt.

**31. Warehouseman Need Not Deliver Until Lien is Satisfied.** A warehouseman having a lien valid against the person demanding the goods may refuse to deliver the goods to him until the lien is satisfied.

**32. Warehouseman's Lien Does Not Preclude Other Remedies.** Whether a warehouseman has or has not a lien upon the goods, he is entitled to all remedies allowed by law

to a creditor against his debtor, for the collection from the depositor of all charges and advances which the depositor has expressly or impliedly contracted with the warehouseman to pay.

**33. Satisfaction of Lien by Sale.** A warehouseman's lien for a claim which has become due may be satisfied as follows:

The warehouseman shall give a written notice to the person on whose account the goods are held, and to any other person known by the warehouseman to claim an interest in the goods. Such notice shall be given by delivery in person or by registered letter addressed to the last known place of business or abode of the person to be notified. The notice shall contain:

(a) An itemized statement of the warehouseman's claim, showing the sum due at the time of the notice and the date or dates when it became due,

(b) A brief description of the goods against which the lien exists,

(c) A demand that the amount of the claim as stated in the notice, and of such further claim as shall accrue, shall be paid on or before a day mentioned, not less than ten days from the delivery of the notice if it is personally delivered, or from the time when the notice should reach its destination, according to the due course of post, if the notice is sent by mail, and

(d) A statement that unless the claim is paid within the time specified the goods will be advertised for sale and sold by auction at a specified time and place.

In accordance with the terms of a notice so given, a sale of the goods by auction may be had to satisfy any valid claim of the warehouseman for which he has a lien on the goods. The sale shall be had in the place where the lien was acquired, or, if such place is manifestly unsuitable for the purpose, at the nearest suitable place. After the time for the payment of the claim specified in the notice to the depositor has elapsed, an advertisement of the sale, describing the goods to be sold, and stating the name of the owner or person on whose account the goods are held, and the time and place of the sale, shall be published once a week for two consecutive weeks in a newspaper published in the place where such sale is to be held. The sale shall not be held less than fifteen days from the time

of the first publication. If there is no newspaper published in such place, the advertisement shall be posted at least fifteen days before such sale in not less than two conspicuous places therein.

From the proceeds of such sale the warehouseman shall satisfy his lien, including the reasonable charges of notice, advertisement and sale. The balance, if any, of such proceeds shall be held by the warehouseman, and delivered on demand to the person to whom he would have been bound to deliver or justified in delivering the goods.

At any time before the goods are so sold any person claiming a right of property or possession therein may pay the warehouseman the amount necessary to satisfy his lien and to pay the reasonable expenses and liabilities incurred in serving notices and advertising and preparing for the sale up to the time of such payment. The warehouseman shall deliver the goods to the person making such payment if he is a person entitled, under the provisions of this act, to the possession of the goods on payment of charges thereon. Otherwise the warehouseman shall retain possession of the goods according to the terms of the original contract of deposit.

**34. Perishable and Hazardous Goods.** If goods are of a perishable nature, or by keeping will deteriorate greatly in value, or by their odor, leakage, inflammability or explosive nature, will be liable to injure other property, the warehouseman may give such notice to the owner, or to the person in whose name the goods are stored, as is reasonable and possible under the circumstances, to satisfy the lien upon such goods, and to remove them from the warehouse, and in the event of the failure of such person to satisfy the lien and to remove the goods within the time so specified, the warehouseman may sell the goods at public or private sale without advertising. If the warehouseman after a reasonable effort is unable to sell such goods, he may dispose of them in any lawful manner, and shall incur no liability by reason thereof.

The proceeds of any sale made under the terms of this section shall be disposed of in the same way as the proceeds of sales made under the terms of the preceding section.

**35. Other Methods of Enforcing Liens.** The remedy for enforcing a lien herein provided does not preclude any other

remedies allowed by law for the enforcement of a lien against personal property nor bar the right to recover so much of the warehouseman's claim as shall not be paid by the proceeds of the sale of the property.

**36. Effect of Sale.** After goods have been lawfully sold to satisfy a warehouseman's lien, or have been lawfully sold or disposed of because of their perishable or hazardous nature, the warehouseman shall not thereafter be liable for failure to deliver the goods to the depositor, or owner of the goods, or to a holder of the receipt given for the goods when they were deposited, even if such receipt be negotiable.

### **Negotiation and Transfer of Receipts**

**37. Negotiation of Negotiable Receipts by Delivery.** A negotiable receipt may be negotiated by delivery:

(a) Where, by the terms of the receipt, the warehouseman undertakes to deliver the goods to the bearer, or

(b) Where, by the terms of the receipt, the warehouseman undertakes to deliver the goods to the order of a specified person, and such person or a subsequent indorsee of the receipt has indorsed it in blank or to bearer.

Where, by the terms of a negotiable receipt, the goods are deliverable to bearer or where a negotiable receipt has been indorsed in blank or to bearer, any holder may indorse the same to himself or to any other specified person, and in such case the receipt shall thereafter be negotiated only by the indorsement of such indorsee.

**38. Negotiation of Negotiable Receipts by Indorsement.** A negotiable receipt may be negotiated by the indorsement of the person to whose order the goods are, by the terms of the receipt, deliverable. Such indorsement may be in blank, to bearer or to a specified person. If indorsed to a specified person, it may be again negotiated by the indorsement of such person in blank, to bearer or to another specified person. Subsequent negotiation may be made in like manner.

**39. Transfer of Receipts.** A receipt which is not in such form that it can be negotiated by delivery may be transferred by the holder by delivery to a purchaser or donee. A non-negotiable receipt cannot be negotiated, and the indorsement of such a receipt gives the transferee no additional right.

**40. Who May Negotiate a Receipt.** A negotiable receipt may be negotiated by any person in possession of the same, however such possession may have been acquired if, by the terms of the receipt, the warehouseman undertakes to deliver the goods to the order of such person, or if at the time of negotiation the receipt is in such form that it may be negotiated by delivery.

**41. Rights of Person to Whom a Receipt Has Been Negotiated.** A person to whom a negotiable receipt has been duly negotiated acquires thereby:

(a) Such title to the goods as the person negotiating the receipt to him had or had ability to convey to a purchaser in good faith for value, and also such title to the goods as the depositor or person to whose order the goods were to be delivered by the terms of the receipt had or had ability to convey to a purchaser in good faith for value, and

(b) The direct obligation of the warehouseman to hold possession of the goods for him according to the terms of the receipt as fully as if the warehouseman had contracted directly with him.

**42. Rights of Person to Whom a Receipt has Been Transferred.** A person to whom a receipt has been transferred but not negotiated acquires thereby, as against the transferor, the title of the goods, subject to the terms of any agreement with the transferor.

If the receipt is non-negotiable such person also acquires the right to notify the warehouseman of the transfer to him of such receipt, and thereby to acquire the direct obligation of the warehouseman to hold possession of the goods for him according to the terms of the receipt.

Prior to the notification of the warehouseman by the transferor or transferee of a non-negotiable receipt, the title of the transferee to the goods and the right to acquire the obligation of the warehouseman may be defeated by the levy of an attachment or execution upon the goods by a creditor of the transferor, or by a notification to the warehouseman by the transferor or a subsequent purchaser from the transferor of a subsequent sale of the goods by the transferor.

**43. Transfer of Negotiable Receipt Without Indorsement.** Where a negotiable receipt is transferred for value by delivery, and the indorsement of the transferor is essential for

negotiation, the transferee acquires a right against the transferor to compel him to indorse the receipt, unless a contrary intention appears. The negotiation shall take effect as of the time when the indorsement is actually made.

**44. Warranties on Sale of Receipt.** A person who for value negotiates or transfers a receipt by indorsement or delivery, including one who assigns for value a claim secured by a receipt, unless a contrary intention appears, warrants:

- (a) That the receipt is genuine,
- (b) That he has a legal right to negotiate or transfer it,
- (c) That he has knowledge of no fact which would impair the validity or worth of the receipt, and
- (d) That he has a right to transfer the title to the goods and that the goods are merchantable or fit for a particular purpose whenever such warranties would have been implied, if the contract of the parties had been to transfer without a receipt the goods represented thereby.

**45. Indorser Not a Guarantor.** The indorsement of a receipt shall not make the indorser liable for any failure on the part of the warehouseman or previous indorsers of the receipt to fulfil their respective obligations.

**46. No Warranty Implied From Accepting Payment of a Debt.** A mortgagee, pledgee or holder for security of a receipt who in good faith demands or receives payment of the debt for which such receipt is security, whether from a party to a draft drawn for such debt or from any other person, shall not by so doing be deemed to represent or to warrant the genuineness of such receipt or the quantity or quality of the goods therein described.

**47. When Negotiation Not Impaired by Fraud, Mistake, or Duress.** The validity of the negotiation of a receipt is not impaired by the fact that such negotiation was a breach of duty on the part of the person making the negotiation, or by the fact that the owner of the receipt was deprived of the possession of the same by loss, theft, fraud, accident, mistake, duress, or conversion, if the person to whom the receipt was negotiated, or the person to whom the receipt was subsequently negotiated, paid value therefor, in good faith, without notice of the breach of duty or loss, theft, fraud, accident, mistake, duress, or conversion.



**48. Subsequent Negotiation.** Where a person having sold, mortgaged or pledged goods which are in a warehouse and for which a negotiable receipt has been issued, or having sold, mortgaged or pledged the negotiable receipt representing such goods, continues in possession of the negotiable receipt, the subsequent negotiation thereof by that person under any sale, or other disposition thereof to any person receiving the same in good faith, for value and without notice of the previous sale, mortgage or pledge, shall have the same effect as if the first purchaser of the goods or receipt had expressly authorized the subsequent negotiation.

**49. Negotiation Defeats Vendor's Lien.** Where a negotiable receipt has been issued for goods, no seller's lien or right of stoppage *in transitu* shall defeat the rights of any purchaser for value in good faith to whom such receipt has been negotiated, whether such negotiation be prior or subsequent to the notification to the warehouseman who issued such receipt of the seller's claim to a lien or right of stoppage *in transitu*. Nor shall the warehouseman be obliged to deliver or justified in delivering the goods to an unpaid seller unless the receipt is first surrendered for cancellation.

### Criminal Offenses

**50. Issue of Receipt for Goods Not Received.** A warehouseman, or any officer, agent or servant of the warehouseman, who issues or aids in issuing a receipt knowing that the goods for which such receipt is issued have not been actually received by such warehouseman, or are not under his actual control at the time of issuing such receipt, shall be guilty of an offense and upon conviction shall be punished for each such offense by imprisonment not exceeding three years, or by a fine not exceeding five thousand dollars, or both.

**51. Issue of Receipt Containing False Statement.** A warehouseman, or any officer, agent or servant of a warehouseman, who fraudulently issues or aids in fraudulently issuing a receipt for goods knowing that it contains any false statement, shall be guilty of an offense, and upon conviction shall be punished for each offense by imprisonment not exceeding one year, or by a fine not exceeding five hundred dollars, or both.

**52. Issue of Duplicate Receipts Not so Marked.** A warehouseman, or any officer, agent or servant of a warehouseman,

who issues or aids in issuing a duplicate or additional negotiable receipt for goods, knowing that a former negotiable receipt for the same goods or any part of them is outstanding and uncanceled, without plainly placing upon the face thereof the word "duplicate" except in the case of a lost or destroyed receipt after proceedings as provided for in section 14, shall be guilty of an offense, and upon conviction shall be punished for each such offense by imprisonment not exceeding three years, or by a fine not exceeding five thousand dollars, or both.

**53. Issue for Warehouseman's Goods of Receipts Which Do Not State That Fact.** Where there are deposited with or held by a warehouseman goods of which he is owner, either solely or jointly or in common with others, such warehouseman, or any of his officers, agents or servants who, knowing this ownership, issues or aids in issuing a negotiable receipt for such goods which does not state such ownership, shall be guilty of an offense, and upon conviction, shall be punished for each such offense by imprisonment not exceeding one year, or by a fine not exceeding five hundred dollars, or both.

**54. Delivery of Goods Without Obtaining Negotiable Receipt.** A warehouseman, or any officer, agent or servant of a warehouseman who delivers goods out of the possession of such warehouseman, knowing that a negotiable receipt the negotiation of which would transfer the right to the possession of such goods is outstanding and uncanceled, without obtaining the possession of such receipt at or before the time of such delivery, shall except in the cases provided for in sections 14 and 36 be guilty of an offense, and upon conviction shall be punished for each such offense by imprisonment not exceeding one year, or by fine not exceeding five hundred dollars, or both.

**55. Negotiation of Receipt for Mortgaged Goods.** Any person who deposits goods to which he has not title, or upon which there is a lien or mortgage, and who takes for such goods a negotiable receipt which he afterwards negotiates for value with intent to deceive and without disclosing his want of title or the existence of the lien or mortgage shall be guilty of an offense, and upon conviction shall be punished for each such offense by imprisonment not exceeding one year, or by a fine not exceeding five hundred dollars, or both.

### Interpretation

**56. Cases Not Provided for in Act.** In any case not provided for in this act, the rules of law and equity, including the law merchant, and in particular the rules relating to the law of principal and agent and to the effect of fraud, misrepresentation, duress or coercion, mistake, bankruptcy or other invalidating cause, shall govern.

**57. Interpretation Shall Give Effect to Purpose of Uniformity.** This act shall be so interpreted and construed as to effectuate its general purpose to make uniform the law of those states which enact it.

**58. Definitions.** (1) In this act, unless the context or subject matter otherwise requires:

“Action” includes counterclaim, set-off, and suit in equity.

“Delivery” means voluntary transfer of possession from one person to another.

“Fungible goods” means goods of which any unit is, from its nature or by mercantile custom, treated as the equivalent of any other unit.

“Goods” means chattels or merchandise in storage, or which has been or is about to be stored.

“Holder” of a receipt means a person who has both actual possession of such receipt and a right of property therein.

“Order” means an order by indorsement on the receipt.

“Owner” does not include mortgagee or pledgee.

“Person” includes a corporation or partnership or two or more persons having a joint or common interest.

To “purchase” includes to take as mortgagee or as pledgee.

“Purchaser” includes mortgagee and pledgee.

“Receipt” means a warehouse receipt.

“Value” is any consideration sufficient to support a simple contract. An antecedent or pre-existing obligation, whether for money or not, constitutes value where a receipt is taken either in satisfaction thereof or as security therefor.

“Warehouseman” means a person lawfully engaged in the business of storing goods for profit.

(2) A thing is done “in good faith” within the meaning of this act, when it is in fact done honestly, whether it be done negligently or not.

**59. Act Does Not Apply to Existing Receipts.** The provisions of this act do not apply to receipts made and delivered prior to the taking effect of this act.

**60. Inconsistent Legislation Repealed.** All acts or parts of acts inconsistent with this act are hereby repealed.

**61. Takes Effect.** This act shall take effect upon its passage.

**62. Name of Act.** This act may be cited as the Uniform Warehouse Receipts Act.

[Approved May 6, 1941, 1:30 o'clock, p. m.]

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## CHAPTER 98.

### AN ACT RELATIVE TO THE DEFINITION OF CHAUFFEUR.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1. Definition.** Amend paragraph III, section 1, chapter 99, Public Laws (paragraph III, section 1, chapter 115, commissioners' report) by striking out said paragraph and inserting in place thereof the following: III. "Chauffeur," every person who is employed for the principal purpose of operating a motor vehicle, and every person who drives a motor vehicle, other than his own, while in use as a public, common or contract carrier of persons or property.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved May 6, 1941.]

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## CHAPTER 99.

### AN ACT RELATIVE TO THE OPERATION OF NONRESIDENT PLEASURE MOTOR VEHICLES.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1. Motor Vehicles of Nonresidents.** Amend section 26 of chapter 100 of the Public Laws, as amended by section 3, chapter 190, Laws of 1939 (section 34, chapter 116, commissioners' report) by striking out said section and inserting in

place thereof the following: **26. Operation Without Registration.** A motor vehicle, trailer, or semi-trailer, owned by a nonresident, used solely for pleasure and duly registered for the current year in the state, district, or country of which the owner is a resident, may be operated upon the ways of this state without registration provided said state, district or country grants like privileges to residents of this state.

**2. Nonresident Operators.** Amend chapter 101, Public Laws, by inserting after section 12, (section 13, chapter 117, commissioners' report) the following new section: **12-a. Special License Not Required.** A nonresident operator of a motor vehicle, who is the holder of a license to operate a motor vehicle in the state, district or country in which he resides, shall not be required to obtain a license to operate any pleasure vehicle within this state, provided he does not receive pay for such operation.

**3. Takes Effect.** This act shall take effect upon its passage.

[Approved May 6, 1941.]

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## CHAPTER 100.

AN ACT RELATIVE TO LICENSES TO OPERATE MOTOR VEHICLES.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1. Operators Licenses.** Amend section 10, chapter 101, Public Laws (section 10, chapter 117, commissioners' report) by striking out said section and inserting in place thereof the following: **10. Exception.** The provisions of the preceding section shall not prevent the operation of a motor vehicle by unlicensed persons, while being taught to operate, when accompanied by a licensed chauffeur or operator who is actually occupying seat beside the person who is being taught to operate, excepting only persons who have been licensed and whose licenses have been suspended for cause and persons less than sixteen years of age; but said licensed chauffeur or operator shall be liable for the violation of any provision of this title or any regulations made in accordance therewith committed by such unlicensed operator.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved May 6, 1941.]

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## CHAPTER 101.

AN ACT RELATING TO ATTACHING OF MOTOR VEHICLE PLATES.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1. Motor Vehicle Number Plates.** Amend section 1, chapter 103, Public Laws, as amended by chapter 94, Laws of 1933, and chapter 68, Laws of 1939 (section 1, chapter 119, commissioners' report) by striking out said section and inserting in place thereof the following: **1. How Attached.** Every motor vehicle operated in or on any way in this state shall have displayed conspicuously thereon the two number plates furnished by the commissioner, one to be attached at the front and the other at the rear of said vehicle, in a rigid position, so that the plates and the register number thereon shall be always plainly visible. The bottom of each number plate shall be horizontal and not less than twelve and not more than forty-eight inches from the ground, provided that the commissioner may make special regulations relative to the location of number plates displayed on the rear of motor trucks. The plates shall be kept clean.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved May 6, 1941.]

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## CHAPTER 102.

AN ACT RELATING TO LUCAS POND IN THE TOWN OF NORTHWOOD.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1. Lucas Pond in Northwood.** No person shall operate upon the waters of Lucas pond in the town of Northwood any boat propelled by electric, naphtha, gasoline, steam or other mechanical power, including boats propelled by so-called out-

board motor. Any person who operates a boat in violation of this section shall be fined not more than twenty-five dollars. Any fines collected under the provisions hereof shall be for the use of the town of Northwood.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved May 9, 1941.]

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## CHAPTER 103.

### AN ACT RELATIVE TO UNEMPLOYMENT COMPENSATION.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1. Base Period.** Amend section 1-A, of chapter 179-A of the Public Laws (chapter 211 of commissioners' report), as inserted by chapter 178, Laws of 1937 and as amended by chapter 138, Laws of 1939, by striking out the whole of the same and inserting in place thereof the following:

A. "Base Period" means the calendar year immediately preceding any benefit year, except that the base period for an individual who is inducted into compulsory military service or who volunteers for induction under the terms of the Selective Service and Training Act after July 1, 1940 and is accepted shall be determined in accordance with the provisions of section 2-D of this chapter.

**2. Employer.** Amend section 1-H (2) of said chapter 179-A by striking out the words "Title IX of the Social Security Act" and inserting in place thereof the words the Federal Unemployment Tax Act, so that as amended said section shall read as follows:

(2) Any other employing unit subject for either the current or preceding calendar year to the tax levied by the Federal Unemployment Tax Act as amended.

**3. Employment Inclusions.** Amend section 1-I (1) of the Public Laws, chapter 179-A as inserted by chapter 178, Laws of 1937, and as amended by chapter 138, Laws of 1939, by striking out the phrase "or any service required by statute," so that as amended the same shall read as follows:

I. "Employment" (1) subject to the other provisions of this subsection means service, including service in interstate

commerce, performed for wages or under any contract of hire, written or oral, expressed or implied. The term "employment" shall include an individual's entire service performed within or both within and without this state:

(a) If all or the greater part of such services are performed within this state; or

(b) If that fact is not readily determinable by the commissioner, if some part of such service is performed in this state and the individual's base of operations or place from which his services are directed or controlled is in this state; or

(c) If neither of the foregoing facts are readily determinable by the commissioner, if some part of such services are performed in this state and the individual's residence is in this state.

**4. Employment Exclusions.** Amend section 1-I (4) of said chapter 179-A by striking out the whole of the same and inserting in place thereof the following:

(4) The term "employment" shall not include:

(a) Agricultural labor;

(b) Domestic service in a private home, local college club or local chapter of a college fraternity or sorority;

(c) Casual labor not in the course of the employer's trade or business;

(d) Service performed by an individual in the employ of his son, daughter, or spouse, and service performed by a child under the age of twenty-one in the employ of his father or mother;

(e) Service performed as an officer or member of the crew of a vessel on the navigable waters of the United States;

(f) Service performed in the employ of the United States government or of an instrumentality of the United States which is (A) wholly owned by the United States, or (B) exempt from the tax imposed by section sixteen hundred of the Federal Internal Revenue Code by virtue of any other provision of law; provided, that if this state should not be certified by the federal social security board under section sixteen hundred and three of the United States Internal Revenue Code for any year, then the contributions required of any instrumentalities of the United States government under this chapter with respect to such year shall be deemed to have been erroneously collected within the meaning of section 11-F



of this chapter and shall be refunded by the commissioner from the fund in accordance with the provisions of said section 11-F;

(g) Service performed in the employ of this state or any other state or of any of the political subdivisions thereof or of any instrumentality of this state or any other state or any of the political subdivisions thereof;

(h) Service performed in the employ of a corporation, community chest, fund, or foundation, organized and operated exclusively for religious, charitable, scientific, literary, or educational purposes, or for the prevention of cruelty to children or animals, and service performed in the employ of fraternal organizations operating under the lodge system, no part of the net earnings of which inures to the benefit of any private shareholder or individual; and no substantial part of the activities of which is carrying on propaganda or otherwise attempting to influence legislation;

(i) Service performed in the employ of a fraternal beneficiary society, order, or association, (a) operating under the lodge system or for the exclusive benefit of the members of a fraternity itself operating under the lodge system; and (b) providing for the payment of life, sick, accident, or other benefits to the members of such society, order, or association or their dependents;

(j) Service performed in the employ of a cemetery company owned and operated exclusively for the benefit of its members or which is not operated for profit; and any corporation chartered solely for burial purposes as a cemetery corporation and not permitted by its charter to engage in any business not necessarily incident to that purpose, no part of the net earnings of which inures to the benefit of any private shareholder or individual;

(k) Service performed in the employ of a business league, chamber of commerce, real estate board, or board of trade, not organized for profit and no part of the net earnings of which inures to the benefit of any private shareholder or individual;

(l) Service performed after June 30, 1939, for an employer as defined in the Railroad Unemployment Insurance Act, and service performed after June 30, 1939, as an employee representative;

(m) Service performed by an individual for a person as an insurance agent or as an insurance solicitor, if all such service performed by such individual for such person is performed for remuneration solely by way of commission;

(n) Service performed by an individual under the age of eighteen in the delivery or distribution of newspapers or shopping news, not including delivery or distribution to any point for subsequent delivery or distribution.

(5) **Included and Excluded Service.** If the services performed during one-half or more of any pay period by an employee for the person employing him constitute employment, all the services of such employee for such period shall be deemed to be employment; but if the services performed during more than one-half of any such pay period by an employee for the person employing him do not constitute employment, then none of the services of such employee for such period shall be deemed to be employment. As used in this subsection the term "pay period" means a period (of not more than thirty-one consecutive days) for which a payment of remuneration is ordinarily made to the employee by the person employing him. This subsection shall not be applicable with respect to services performed in a pay period by an employee for the person employing him, where any of such service is excepted by subsection 1-I (4) (1).

**5. Most Recent Employer.** Amend section 1-L of said chapter 179-A by striking out the whole of said section and substituting in place thereof the following: L. **Most Recent Employer.** The last employer from whom an individual in any one week has earned wages computed to the nearest dollar equal to or in excess of two dollars more than his weekly benefit amount.

**6. State.** Amend section 1-M of said chapter 179-A by striking out the whole of said section and inserting in place thereof the following: M. "State" includes, in addition to the states of the United States of America, Alaska, Hawaii, and the District of Columbia.

**7. Total and Partial Unemployment.** Amend section 1-N of said chapter 179-A by striking out the whole of the same and substituting in place thereof the following: N. "Total and Partial Unemployment" (1) An individual shall be deemed "totally unemployed" in any week with respect to which no

wages are payable to him and during which he performs no services.

(2) An individual shall be deemed to be "partially unemployed" in any week of less than full time work if the wages computed to the nearest dollar payable to him for such week fail to equal his weekly benefit amount.

(3) As used in this subsection, the term "wages" shall not include the first two dollars earned during any week.

**8. Unemployment Compensation and Employment Service Administration Account.** Amend section 1-O of said chapter 179-A by striking out the whole of the same and substituting in place thereof the following: O. "Unemployment Compensation and Employment Service Administration Account" means the account set up for the purpose of meeting the expenses of administration under this chapter.

**9. Wages.** Amend section 1-P of said chapter 179-A by striking out the whole of the same and substituting in place thereof: P. "Wages" means every form of remuneration for personal services paid or payable to a person directly or indirectly, by his employer, including salaries, commissions, bonuses, and the reasonable value of board, rent, housing, lodging, payment in kind and similar advantages estimated and determined in accordance with the rules of the commissioner.

(1) The term "wages" shall not include:

(a) For the purposes of paragraph (2) of this section, section 2-B, section 3-D, and section 6, of this act, that part of remuneration which, after remuneration equal to three thousand dollars has been paid to an individual by an employer with respect to employment during any calendar year, is paid to such individual by such employer with respect to employment occurring during such calendar year and after December 31, 1940.

(b) The amount of any payment made to, or on behalf of, an individual in its employ under a plan or system established by an employing unit which makes provisions for individuals in its employ generally or for a class or classes of individuals in its employ (including any amount paid by an employer for insurance or annuities, or into a fund, to provide for any such payment), on account of (A) retirement, or (B) sickness or accident disability, or (C) medical and

hospitalization expenses in connection with sickness or accident disability, or (D) death, provided the individual in its employ (i) has not the option to receive, instead of provision for such death benefit, any part of such payment or, if such death benefit is insured, any part of the premiums (or contributions to premiums) paid by the employing unit, and (ii) has not the right, under the provisions of the plan or system or policy of insurance providing for such death benefit, to assign such benefit, or to receive a cash consideration in lieu of such benefit either upon his withdrawal from the plan or system providing for such benefit or upon termination of such plan or system or policy of insurance or of his employment with such employing unit;

(c) Dismissal payments which the employing unit is not legally required to make;

(d) Any amounts paid by an employing unit under the provisions of section fourteen hundred of the Internal Revenue Code without having deducted the same from the remuneration of individuals in its employ.

(2) "Annual Earnings." The commissioner shall compute annual earnings for each individual by crediting him to the nearest dollar with the wages paid him for employment during each base period in accordance with such rules and regulations as the commissioner may prescribe.

**10. Week.** Amend section 1-Q of said chapter 179-A by striking out the whole of the same and inserting in place thereof the following: Q. "Week" means such period of seven consecutive calendar days as the commissioner may by regulations prescribe.

**11. Weekly Benefit Amount.** Amend section 1 of said chapter 179-A by inserting the following new section R after section 1-Q: R. "Weekly Benefit Amount." An individual's "weekly benefit amount" means the amount of benefits he would be entitled to receive for one week of total unemployment.

**12. Payment of Benefits.** Amend section 2-A of said chapter 179-A by striking out "(g)" after 1-I (4) and inserting in place thereof (1), so that as amended said section shall read as follows: A. **Payment of Benefits.** On January 1, 1938, benefits shall become payable from the fund; provided that wages earned for service, defined in section 1-I (4) (1)

of this chapter, irrespective of when performed, shall not be included for the purposes of determining eligibility for any benefit year commencing on or after July 1, 1939, nor shall any benefits with respect to unemployment occurring on or after July 1, 1939, be payable under any section on the basis of such wages. All benefits shall be paid through employment offices in accordance with such regulations as the commissioner may prescribe.

**13. Weekly Benefit Amount for Total Unemployment.** Amend section 2-B of said chapter 179-A by striking out the whole of the same and inserting in place thereof the following: 2-B. **Weekly Benefit Amount for Total Unemployment.** Each eligible individual who is totally unemployed in any week shall be paid with respect to such week benefits in the amount shown in column B of the schedule below on the line on which in column A there is indicated the individual's annual wage class. The maximum total amount of benefits payable to any eligible individual during any benefit year shall be the amount shown in column C of the schedule below on the line on which in column A there is indicated the individual's annual wage class.

A Total Annual Earnings In Base Period	B Weekly Benefit Amount	C Maximum Benefits
\$200.00 - 399.99	\$6	\$84
400.00 - 499.99	7	98
500.00 - 599.99	8	112
600.00 - 699.99	9	144
700.00 - 799.99	10	160
800.00 - 899.99	11	176
900.00 - 999.99	12	192
1000.00 - 1149.99	13	208
1150.00 - 1299.99	14	224
1300.00 and over	15	240

**14. Weekly Benefit for Partial Unemployment.** Amend section 2-C of said chapter 179-A by substituting N for "M" in the last sentence, so that as amended said section shall read as follows: C. **Weekly Benefit for Partial Unemployment.** Each eligible individual who is partially unemployed in any week shall be paid a partial benefit with respect to such week. Such partial benefit shall be an amount calculated to the near-

est dollar which, if added to his wages, as used in section 1-N (3), for such week, would equal his weekly benefit amount.

**15. Persons Affected by Selective Service and Training Act.** Amend section 2-D of said chapter 179-A by striking out the whole of said section and inserting in place thereof the following: **D. Computation of Weekly Benefits for Persons Affected by the Selective Service and Training Act.** An individual who is inducted into compulsory military service or who volunteers for induction under the terms of the Selective Service and Training Act after July 1, 1940 and is accepted shall, at the time of his honorable discharge, provided he is otherwise eligible, receive whichever is the greater of:

(1) the unused benefits based on earnings in the calendar year immediately preceding induction, or

(2) the unused benefits based on earnings in the calendar year in which inducted; provided that benefits based on earnings in such calendar year are or have been available to all claimants generally under this chapter.

If such an inducted individual has not exhausted the benefits to which he is thus entitled at the close of the benefit year in which discharged, then he shall, if otherwise eligible, receive in the next benefit year whichever is the greater of:

(a) the balance of the unused benefits to which he was entitled under (1) or (2) above or

(b) the unused benefits based on earnings in the base period for that benefit year.

**16. Benefit Eligibility Conditions.** Amend section 3-D of said chapter 179-A by striking out the whole of the same and inserting in place thereof the following: **D.** Prior to any week for which he receives benefits, he must have been totally unemployed (and for the purposes of this subsection an individual shall be deemed totally unemployed in any week in which he earns no wages in excess of two dollars) for a waiting period of two weeks, except as provided in the following sentence, within the same benefit year and fulfilled the other requirements of this section. If the unemployment compensation fund shall have reached the amount of eight million dollars and shall have been maintained at that figure for the next two succeeding full months, the initial waiting period from the end of said two months to April 1, 1943, shall be one

week and after said date shall be two weeks. No individual shall be required to accumulate more than two waiting period weeks during any benefit year, and further provided that this requirement shall not interrupt the payment of benefits for consecutive weeks of unemployment because of a change in the benefit year, even though a change in the weekly benefit amount and maximum benefits is effected. For the purposes of this subsection, two weeks of partial unemployment shall be deemed equivalent to one week of total unemployment. No week shall be counted as a week of total unemployment for the purposes of this subsection: (1) If benefits have been paid with respect thereto; (2) Unless it occurs after benefits first could become payable to any individual under this chapter; (3) Unless he has annual earnings of two hundred dollars within the base period in accordance with section 1-P (2).

**17. Disqualifications for Benefits.** Amend section 4-A of said chapter 179-A by striking out the whole of the same and inserting in place thereof the following:

**4. Disqualifications for Benefits.** An individual shall be disqualified for benefits:

A. For the period of unemployment next ensuing after an individual has left his work voluntarily without good cause in accordance with rules and regulations of the commissioner; and no waiting period may be served during such period. For the purposes of this section the "period of unemployment" shall continue until the individual has earned in any one week wages equal to or in excess of two dollars more than his weekly benefit amount.

**18. Disqualifications for Benefits.** Amend section 4-B of said chapter 179-A by adding the following paragraph after the word "deduction": It is further provided that an unemployed individual who has been discharged for; arson, repeated intoxication, sabotage, felony, or dishonesty, connected with his work, shall not be entitled to any benefits that have accrued under this chapter prior to such dismissal, so that as amended said section shall read as follows:

B. For the week in which he has been discharged for misconduct connected with his work, if so found by the commissioner, and for the three weeks which immediately follow such week, in addition to the waiting period. Whichever is

the lesser of three times the individual's benefit rate, or such amount as remains unpaid for the benefit year in which such event occurs shall be deducted from his maximum benefits, but no change shall be made in his weekly benefit amount because of this deduction.

It is further provided that an unemployed individual who has been discharged for; arson, repeated intoxication, sabotage, felony, or dishonesty, connected with his work, shall not be entitled to any benefits that have accrued under this chapter prior to such dismissal.

**19. Disqualifications for Benefits.** Amend section 4-D of said chapter 179-A by striking out the whole of the same and inserting in place thereof the following:

D. For any week with respect to which the commissioner finds that his total or partial unemployment is due to a stoppage of work which exists because of a labor dispute at the factory, establishment, or other premises at which he is or was last employed, provided that this subsection shall not apply if it is shown to the satisfaction of the commissioner that:

Either, (1) He is not participating in or financing or directly interested in the labor dispute which caused the stoppage of work; and

(2) He does not belong to a grade or class of workers of which, immediately before the commencement of the stoppage, there were members employed at the premises at which the stoppage occurs, any of whom are participating in or financing or directly interested in the dispute; provided that if in any case separate branches of work which are commonly conducted as separate businesses in separate premises are conducted in separate departments of the same premises each such department shall, for the purposes of this subsection, be deemed to be a separate factory, establishment, or other premises; or

(3) The stoppage of work was due solely to the failure of the employer to live up to the provisions of any contract entered into between the employer and his employees.

**20. Disqualifications for Benefits.** Amend section 4-E of said chapter 179-A by striking out the whole of the same and inserting in place thereof the following:



E. For any week with respect to which he is receiving or has received remuneration in the form of:

- (1) Wages in lieu of notice;
- (2) A sickness or separation allowance; or
- (3) Benefits from a pension plan operated by the employer; or
- (4) Compensation for temporary partial disability under the workmen's compensation law of any state or under a similar law of the United States; or
- (5) Primary insurance payments under Title II of the Social Security Act as amended or similar payments under any act of Congress or old-age assistance payments under any state laws; or

(6) Any payments, upon his discharge from military service, from either the state or federal government, or both;

Provided that if such remuneration is less than the benefits which would otherwise be due under this chapter, he shall be entitled to receive for such week, if otherwise eligible, benefits reduced by the amount of such remuneration.

**21. Initial Determination.** Amend section 5-B of said chapter 179-A by adding the phrase, or any part thereof, after the word "decision" in the third sentence of said section and substituting the words, the change, for the words "his amended decision" in the same sentence. Further amend this section by adding the following sentence after the third sentence: No such redetermination shall be made after six months from the date of the original determination, so that as amended said section shall read as follows: **B. Initial Determination.** A representative designated by the commissioner, and hereinafter referred to as a deputy, shall promptly examine the claim of an individual, and on the basis of the facts found by him, shall either determine whether or not such claim is valid, and if valid, the week with respect to which benefits shall commence, the weekly benefit amount payable and the maximum duration thereof, or shall refer such claim or any question involved therein to an appeal tribunal, which shall make its decision with respect thereto in accordance with the procedure described in subsection C of this section. The deputy shall promptly notify the claimant and any other interested parties of the decision and the reasons therefor. The deputy may for good cause reconsider

his decision or any part thereof and shall promptly notify the claimant and such other interested parties of the denial of such application or of the change and the reasons therefor, as the case may be. No such redetermination shall be made after six months from the date of the original determination. Unless the claimant or any such interested party, within five calendar days after the delivery of the deputy's notification, or within seven calendar days after such notification was mailed to his last known address, files an appeal from such decision, such decision shall be final and benefits shall be paid or denied in accordance therewith. If an appeal is duly filed, benefits with respect to the period prior to the final decision of the appeal tribunal or commissioner shall be paid only after such decision; provided that if an appeal tribunal affirms a decision of a deputy, or the commissioner affirms a decision of an appeal tribunal or deputy allowing benefits, such benefits shall be paid regardless of any appeal which may thereafter be taken, but if such decision is finally reversed, no employer's account shall be charged with benefit so paid.

**22. Appeal.** Amend section 5-C of said chapter 179-A by striking out the capital letter "F" in body of said section and substituting in place thereof the capital letter G, so that as amended the same shall read as follows: C. **Appeals.** Unless such appeal is withdrawn, an appeal tribunal, after affording the parties reasonable opportunity for fair hearing, shall affirm or modify the findings of fact and decision of the deputy. The parties shall be duly notified of such tribunal's decision, together with its reasons therefor. Such decision shall be deemed to be the final decision of the commissioner, unless within ten days after the date of notification or mailing of such decision, further appeal is initiated pursuant to subsection G of this section.

**23. Repeal.** Amend section 5-F of said chapter 179-A by striking out the whole of said section and renumbering 5-G to 5-F, and 5-H to 5-G.

**24. Payment of Contributions.** Amend section 6-A of said chapter 179-A by striking out the whole of said section and inserting in place thereof the following: A. **Payment of Contributions.** Contributions shall accrue and become payable by each employer for each calendar year in which he is subject to this chapter with respect to wages for employment paid

during such calendar year, provided that contributions, on account of wages in excess of three thousand dollars which have been paid to an individual in any calendar year, shall be paid only so long as such contributions may be credited by any employer against the tax imposed by the Federal Unemployment Tax Act, as amended. Such contributions shall become due and be paid by each employer to the commissioner for the fund in accordance with such regulations as the commissioner may prescribe, and shall not be deducted, in whole or in part, from the wages of individuals in such employer's employ; provided that the contributions of an employer becoming subject to the law within any calendar year shall be first due and payable after such employer has satisfied the conditions with respect to becoming an employer.

In the payment of any contributions, a fractional part of a cent shall be disregarded unless it amounts to one-half cent or more in which case it shall be increased to one cent.

**25. Rate of Contribution.** Amend section 6-B of said chapter 179-A by striking out said section and inserting in place thereof the following: **B. Rate of Contribution.** (1) Each employer shall pay contributions equal to the following percentages of wages payable by him with respect to employment:

(a) 1 per centum with respect to employment during the calendar year 1936;

(b) 2 per centum with respect to employment during the period between January 1, 1937 and September 30, 1937;

(c) 1.8 per centum with respect to employment during the calendar year 1937 subsequent to September 30, 1937;

(d) With respect to employment after December 31, 1937, 2.7 per centum, except as otherwise prescribed in subsections D and E of this section.

(2) Each employer shall submit contributions equal to 2.7 per centum of the wages paid by him with respect to employment after December 31, 1940, except as otherwise prescribed in subsections D and E of this section.

**26. Separate Accounts.** Amend section 6-C of said chapter 179-A by inserting the following after the first paragraph of said section: If it is proven to the satisfaction of the commissioner that an individual after voluntarily leaving the employment of an employer, without good cause attribut-

able to such employer, but before the beginning of a compensable week, works within or without the state and earns in employment not subject to this chapter in any one week wages computed to the nearest dollar equal to or in excess of two dollars more than his weekly benefit amount and that such subsequent employment was not given expressly for the purpose of evading the benefit charges, then there shall be no charge against that last employer, and benefits paid to the individual shall be charged against the fund, so that as amended said section shall read as follows: **C. Separate Accounts.** The commissioner shall maintain a separate account for each employer and shall credit his account with all contributions paid by him or on his behalf. But nothing in this chapter shall be construed to grant any employer or individuals in his service prior claims or rights to the amounts paid by him into the fund either on his own behalf or on behalf of such individuals. Benefits paid to an eligible individual shall be charged against the account of his most recent employer. If it is proven to the satisfaction of the commissioner that an individual after voluntarily leaving the employment of an employer, without good cause attributable to such employer, but before the beginning of a compensable week, works within or without the state and earns in employment not subject to this chapter in any one week wages computed to the nearest dollar equal to or in excess of two dollars more than his weekly benefit amount and that such subsequent employment was not given expressly for the purpose of evading the benefit charges, then there shall be no charge against that last employer, and benefits paid to the individual shall be charged against the fund. Any charges which are made against the account of any employer under this section, of which the employer has been notified, shall be considered correct for all purposes unless objections to such charges are received within six months after such notification has been mailed to the employer's last known address.

Any charges which have heretofore been made against the account of any employer for merit rating purposes, of which the employer has been notified, shall be considered correct for all purposes unless objections to said charges are received within six months after the effective date of this section.

If objections to such charges are received, any re-determination of the amounts charged against an employer's account, of which the employer has been notified, shall be considered correct for all purposes unless objections to such charges are received within six months after such notification has been mailed to the employer's last known address. The commissioner shall, by general rules, prescribe the manner in which benefits shall be charged against the accounts of several employers for whom an individual performed employment at the same time.

**27. General Experience Rating.** Amend section 6-D of said chapter 179-A by striking out the whole of the same and inserting in place thereof the following: **D. General Experience Rating.** The commissioner may for the year 1941 and for each calendar year thereafter, estimate the total sum to be paid as benefits and the pay roll which will be reported by employers, and may establish contribution rates for individual employers not exceeding 2.7 per centum which shall yield an amount equal to or in excess of the benefits to be paid.

In assessing the individual employer rate under this subsection the commissioner shall classify employers in accordance with their actual experience in the payment of contributions on their own behalf and with respect to benefits charged against their accounts with a view to fixing an individual contribution rate which will reflect the employment experience of the individual employer.

If on July 1 of any calendar year it is determined that the contribution rates thus established will not maintain or will unduly increase the established reserve the commissioner may redetermine the individual contribution rate previously determined under this subsection and the redetermined rate shall be effective as of July 1 of such calendar year.

If a deficit or surplus results at the end of the calendar year, such deficit or surplus shall be considered in determining the contribution rates for the next calendar year.

No employer shall be entitled to an experience rating under this subsection for any calendar year unless and until the balance in the unemployment compensation fund as of January 1 of such calendar year equals or exceeds five million dollars; and further provided that no employer shall be entitled to the experience rating granted under this section

unless and until there shall have been three consecutive calendar years immediately preceding the computation date throughout which the account of such employer was chargeable with benefits.

Should the commissioner determine at any time that the solvency of the fund would not permit the adoption of individually reduced contribution rates under this subsection he shall, for the purposes of this subsection, set a standard rate for all employers of 2.7 per centum per annum.

**28. Merit Ratings.** Amend section 6-E (1) of said chapter 179-A by striking out the whole of the same and inserting in place thereof the following: (1) Each employer's rate shall be the amount determined under subsection D of this section except as otherwise provided in the following provisions. No employer's rate shall be less than the amount determined in accordance with subsection D of this section unless and until there shall have been three consecutive calendar years immediately preceding the computation date throughout which the account of such employer was chargeable with benefits.

**29. Merit Ratings.** Amend section 6-E (4) of said chapter 179-A by striking out the words "including interest" and "including interest at such time," so that as amended said section shall read as follows:

(4) No employer's rate for the period of twelve months commencing January 1 of any calendar year shall be less than the rate established in subsection D of this section, unless the total contributions which became due and were credited to his account in the fund during all past years, exceed the total benefits paid within the last preceding calendar year and chargeable to his account in the fund; and no employer shall be entitled to have more than seven-tenths of one per centum subtracted from the contribution rate established in accordance with subsection D of this section unless such contributions were at least twice the total benefits paid from the fund and chargeable to his account within the last preceding year.

**30. Merit Ratings.** Amend section 6-E (6) of said chapter 179-A by striking out the whole of the same and inserting in place thereof the following: (6) As used in this section after December 31, 1940 the term "annual pay roll" means

the total amount of wages paid by an employer (regardless of the time of payment) for employment during a calendar year, and the term "average annual pay roll" means the average of the annual pay rolls of an employer for the last three or five preceding calendar years, whichever average is higher.

**31. Unemployment Compensation Fund.** Section 8-E of said chapter 179-A relative to transfer of funds is hereby repealed.

**32. Records and Reports.** Amend section 9-G of said chapter 179-A by striking out the entire section and inserting in place thereof: **G. Records and Reports.** Each employing unit shall keep true and accurate work records, containing such information as the commissioner may prescribe. Such records shall be open to inspection and be subject to being copied by the commissioner or his authorized representatives at any reasonable time and as often as may be necessary. The commissioner may, at his discretion, notify any employer of the prospective benefit rights of any employee. The commissioner and the chairman of any appeal tribunal may require from any employing unit any sworn or unsworn reports, with respect to persons employed by it, which either of them deems necessary for the effective administration of this chapter. Information thus obtained or obtained from any individual pursuant to the administration of this chapter shall be held confidential and shall not be published or be open to public inspection (other than to employers and public employees in the performance of their public duties) in any manner revealing the individual's or employing unit's identity, but any claimant (or his legal representative) at a hearing before an appeal tribunal or the commissioner shall be supplied with information from such records to the extent necessary for the proper presentation of his claim. Any employee or member of an appeal tribunal or any employee of the commissioner who violates any provision of this section shall be fined not less than twenty dollars nor more than two hundred dollars, or imprisoned for not more than ninety days, or both.

**(1) Destruction of Records.** The commissioner may by regulation order the destruction of any and all records kept pursuant to the administration of the unemployment compensation law which are not considered by him as necessary to the administration of this chapter.

**33. Unemployment Compensation and Employment Service Administration Fund.** Amend section 10-A of said chapter 179-A by striking out the whole of the same and inserting in place thereof the following:

**10. The Unemployment Compensation and Employment Service Administration Fund.**

**A. Special Fund.** There is hereby created in the state treasury a special fund to be known as the unemployment compensation and employment service administration fund. All moneys which are deposited or paid into this fund shall be continuously available to the commissioner for expenditure in accordance with the provisions of this act, and shall not lapse at any time or be transferred to any other fund. All moneys in this fund which are received from the federal government or any agency thereof or which are appropriated by this state for the purposes described in section 9 of this act shall be expended solely for the purposes and in the amounts found necessary by the Social Security Board for the proper and efficient administration of this act. The fund shall consist of all moneys appropriated by this state, all moneys received from the United States of America, or any agency thereof, including the Social Security Board, and all moneys received from any other source for such purpose, and shall also include any moneys received from any agency of the United States or any other state as compensation for services or facilities supplied to such agency, any amounts received pursuant to any surety bond or insurance policy or from other sources for losses sustained by the unemployment compensation and employment service administration fund or by reason of damage to equipment or supplies purchased from moneys in such fund, and any proceeds realized from the sale or disposition of any such equipment or supplies which may no longer be necessary for the proper administration of this act. Such moneys shall be secured by the depositary by collateral in the full amount of the funds on deposit. Such security shall consist of (a) United States government obligations, direct or guaranteed and (b) direct obligations of the state of New Hampshire. Such collateral security shall be pledged at not to exceed the face value of the obligation, and shall be kept separate and distinct from any collateral security pledged to secure other funds of the state. The state treasurer shall be liable on his



official bond for the faithful performance of his duties in connection with the unemployment compensation and employment service administration fund provided for under this act. Such liability on the official bond shall be effective immediately upon the enactment of this provision, and such liability shall exist in addition to any liability upon any separate bond existent on the effective date of this provision, or which may be given in the future. All sums recovered on any surety bond for losses sustained by the unemployment compensation and employment service administration fund shall be deposited in said fund.

**34. Reimbursement of Fund.** Amend section 10-B of said chapter 179-A by striking out the whole of the same and inserting in place thereof the following: **B. Reimbursement of Fund.** If any moneys received after June 30, 1941, from the Social Security Board under Title III of the Social Security Act, or any unencumbered balances in the unemployment compensation administration fund as of that date, or any moneys granted after that date to this state pursuant to the provisions of the Wagner-Peyser Act, or any moneys made available by this state or its political subdivisions and matched by such moneys granted to this state pursuant to the provisions of the Wagner-Peyser Act, are found by the Social Security Board, because of any action or contingency, to have been lost or been expended for purposes other than, or in amounts in excess of, those found necessary by the Social Security Board for the proper administration of this act, it is the policy of this state that such moneys shall be replaced by moneys appropriated for such purpose from the general funds of this state to the unemployment compensation administration fund for expenditure as provided in section 10-A. Upon receipt of notice of such a finding by the Social Security Board, the commissioner shall promptly report the amount required for such replacement to the governor and the governor shall at the earliest opportunity, submit to the legislature a request for the appropriation of such amount. This subsection shall not be construed to relieve this state of its obligation with respect to funds received prior to July 1, 1941, pursuant to the provisions of Title III of the Social Security Act.

**35. Collection, Civil Action.** Amend section 11-B of said chapter 179-A by adding a letter “s” to the word “cost” in the first sentence. Further amend said section by adding “as in all other civil actions” at the end of the first sentence, so that as amended said section shall read as follows: **B. Collection, Civil Action.** If, after due notice, any employer defaults in any payment of contributions or interest thereon, the amount due shall be collected by civil action in the name of the commissioner and the employer adjudged in default shall pay the costs of such action as in all other civil actions. Civil actions brought under this section to collect contributions or interest thereon from an employer shall be heard by the court at the earliest possible date and shall be entitled to preference upon the calendar of the court over all other civil actions except petitions for judicial review under this chapter and cases arising under the workmen’s compensation law of this state.

**36. Collection, Distraint.** Amend section 11-C of said chapter 179-A by striking out the whole of the same and inserting in place thereof the following: **C. Collection, Distraint.** If, after due notice, any employer shall fail to make any payment of contributions or interest thereon, the amount due, with interest thereon pursuant to subsection A hereof, shall be collectible by any means provided by law for the collection of any tax due to the state of New Hampshire or to any subdivision thereof, (including any means provided by section 2, chapter 66, New Hampshire Public Laws as amended). Tax warrants referred to in said chapter 66 may be signed either by the administrator or the duly authorized counsel for the unemployment compensation division.

**37. Priorities Under Legal Dissolution or Distributions.** Amend section 11-D of said chapter 179-A by striking out the whole of the same and inserting in place thereof the following: **D. Priorities Under Legal Dissolution or Distributions.** In the event of any distribution of an employer’s assets pursuant to an order of any court under the laws of this state, or any receivership, assignment for benefit of creditors, adjudicated insolvency, composition, or similar proceeding, contributions then or thereafter due shall be paid in full prior to all other claims except taxes and claims for wages of not

more than two hundred and fifty dollars to each claimant, earned within six months of the commencement of the proceeding. In the event of an employer's adjudication in bankruptcy, judicially confirmed extension proposal, or composition, under the Federal Bankruptcy Act of 1898, as amended, contributions then or thereafter due shall be entitled to such priority as is provided in section 64 (b) of that act, U. S. C., title 11, section 104 (b), as amended.

**38. Adjustment of Contribution by Compromise.** Amend section 11 of said chapter 179-A by adding the following new section E after section 11-D: **E. Adjustment of Contribution by Compromise.** The commissioner may, with the approval of the attorney general, effect by written stipulation such settlement of the contribution or interest due under the provisions of this chapter as he may deem to be for the best interests of the state, and the payment of the sum so agreed upon shall be a full satisfaction of such contribution and interest.

**39. Adjustments and Refunds.** Amend section 11 of said chapter 179-A by adding the following section F after section E: **F. Adjustments and Refunds.** If not later than one year after the date on which any contributions or interest thereon became due, an employer who has paid such contributions or interest thereon shall make application for an adjustment thereof in connection with subsequent contribution payments, or for a refund thereof because such adjustment cannot be made, and the commissioner shall determine that such contributions or interest or any portion thereof was erroneously collected, the commissioner shall allow such employer to make an adjustment, without interest, in connection with subsequent contribution payments by him, or if such adjustment cannot be made the commissioner shall refund said amount, without interest, from the fund. For like cause and within the same period, adjustment or refund may be so made on the commissioner's own initiative.

**40. Failure of Employer to File Report of Contributions Due.** Amend section 11 of said chapter 179-A by adding the following new section G after section 11-F: **G. Failure of Employer to File Report of Contributions Due.** If an employer shall fail to file a report for the purpose of determin-

ing the amount of contributions due under this chapter, or if such report when filed shall be incorrect or insufficient and the employer shall fail to file a correct or sufficient report within twenty days after the administrator shall have required the same by written notice, the administrator shall determine the amount of contribution due, with interest thereon pursuant to subsection A hereof, from such employer on the basis of such information as he may be able to obtain and he shall give written notice of such determination to the employer. Such determination shall finally fix the amount of contribution unless the employer shall, within thirty days after the giving of such notice, appeal to the superior court for Merrimack county or for the county in which the employer's principal place of business is located. Such appeal shall set forth in detail each ground upon which it is claimed that the administrator's determination is in error, and a copy thereof shall be sent to the administrator at the time such appeal is filed. Said court shall give notice of a time and place of hearing thereon to the parties. At such hearing the determination of the administrator shall be deemed to be *prima facie* correct and the burden of proving error therein on such appeal shall be upon the employer. The court shall not consider any ground of error not set forth in the appeal except for good cause shown.

If on appeal the determination of the administrator shall be confirmed, or the amount of the contribution originally determined by the administrator shall be increased, the cost of such proceedings, as in civil actions, shall be assessed against the employer. No costs shall be assessed against the state on such appeal.

**41. Collection of State Contributions.** Amend section 11 of said chapter 179-A by adding the following new section H after section 11-G: **H. Collection of State Contributions.** Wherever used in this section, unless the context shall otherwise require, the word "contribution" shall include not only the principal of any contribution but also all interest, penalties, fees and other charges added thereto by law; and the term "serving officer" shall include any sheriff, deputy sheriff, constable or other officer authorized to serve any civil process. Upon the failure of any person to pay any contribution due to the state within thirty days from its due date, the commis-

sioner or his duly authorized representative charged by law with its collection shall add thereto such penalty or interest or both as shall be prescribed by law. The attorney general may collect any such contribution by a civil action, or the commissioner or his duly authorized representative charged by law with the collection of such contribution may make out and sign a warrant directed to any serving officer for distraint upon the goods, realty or body of such person. Each serving officer so receiving a warrant shall make return to the party making out such warrant within a period of thirty days from its receipt by him. To each warrant placed in the hands of any serving officer shall be attached an itemized bill, certified by the party making out such warrant to be a true and correct statement of the total amount of contribution due from such person. Any serving officer deputed to serve a warrant drawn under the provisions of this law shall, so far as such warrant is concerned, have, *mutatis mutandis*, all the powers vested in tax collectors and sheriffs under the provisions of the New Hampshire Public Laws, chapter 66, as amended; shall proceed pursuant to the terms of one or more of said statutes; shall make return to the party making out such warrant within ten days of the completion of service and shall collect from such person, in addition to the amount shown on such warrant, his fees and charges, which shall be those authorized by statute for serving officers, as in all other civil actions.

**42. Collection of Contributions.** Amend section 11 of said chapter 179-A by adding the following new section I after section 11-H: I. **Secretary of State Their Attorney.** Any nonresident employer who acquires the status of an employer under the provisions of this chapter shall be deemed to have appointed the secretary of state or his successor in office to be his true and lawful attorney upon whom may be served all lawful processes in any action or proceeding against him under the provisions of this chapter and such acquirement shall be a signification of his agreement that any such process against him which is so served shall be of the same legal force and validity as if served on him personally. Service of such process shall be made by leaving a copy of the process in the hands of the secretary of state or in his office, and such service shall be sufficient service upon said nonresident; provided, that notice of such service and a copy of the process are forthwith

sent by registered mail by the plaintiff to the defendant, and the defendant's return receipt and the plaintiff's affidavit of compliance therewith are appended to the writ and entered therewith. The secretary of state shall keep a record of all such processes, which shall show the date and hour of service.

**43. Continuance of Action.** Amend section 11 of said chapter 179-A by adding the following new section J after section 11-I: **J. Continuance of Action.** The court in which the action is pending may order such continuances as may be necessary to afford the defendant reasonable opportunity to defend the action.

**44. Penalties.** Amend section 13-B of said chapter 179-A by striking out this entire section and inserting in place thereof the following: **B.** Any employing unit or any officer or agent of an employing unit, who knowingly makes a false statement or representation or who knowingly fails to disclose a material fact to avoid becoming or remaining subject hereto or to avoid or prevent or reduce any contribution or other payment required of such employing unit under this chapter, or to deny or reduce payments of benefits to any individual, or who knowingly fails or refuses to make any such contribution, or other payment or to furnish any reports required hereunder or to testify or to permit inspection of records or produce records as required hereunder, or who makes, permits or requires any deduction from wages to pay all or any portion of the contributions required from employers, or who attempts to induce any individual to waive any right under this chapter, shall, upon conviction, be fined not less than twenty-five nor more than five hundred dollars, or imprisoned not more than six months, or both; and each such violation shall constitute a separate and distinct offense.

**45. Penalties.** Amend section 14-B of said chapter 179-A by adding the words, by counsel for the unemployment compensation division, after the word "direction," so that as amended said section shall read as follows: **B.** All criminal actions for violation of any provisions of this chapter, or of any rule or regulation issued pursuant thereto, shall be prosecuted by the attorney general of the state or, at his request and under his direction, by counsel for the unemployment compensation division or by the county solicitor of any county in which the employer has a place of business or the violator resides.

**46. Other States.** Amend section 15 of said chapter 179-A by striking out the whole of the same and inserting in place thereof the following: **15. Reciprocal Arrangements.**

A. The commissioner is hereby authorized to enter into arrangements with the appropriate agencies of other states or the federal government whereby individuals performing services in this and other states for a single employing unit under circumstances not specifically provided for in section 1 of this chapter or under similar provisions in the unemployment compensation laws of such other states, shall be deemed to be engaged in employment performed entirely within this state or within one of such other states and whereby potential rights to benefits accumulated under the unemployment compensation laws of several states or under such a law of the federal government, or both, may constitute the basis for the payment of benefits through a single appropriate agency under terms which the commissioner finds will be fair and reasonable as to all affected interests and will not result in any substantial loss to the fund.

B. Wages or services, upon the basis of which an individual may become entitled to benefits under an unemployment compensation law of another state or of the federal government, shall be deemed to be wages for insured work for the purpose of determining his rights to benefits under this chapter, and wages for insured work, on the basis of which an individual may become entitled to benefits under this chapter shall be deemed to be wages or services on the basis of which unemployment compensation under such law of another state or of the federal government is payable, but no such arrangement shall be entered into unless it contains provisions for reimbursements to the fund for such of the benefits paid under this chapter upon the basis of such wages or services, and provisions for reimbursements from the fund for such of the compensation paid under such other law upon the basis of wages for insured work, as the commissioner finds will be fair and reasonable as to all affected interests.

C. Contributions due under this chapter with respect to wages for insured work shall for the purposes of section 11 of this chapter be deemed to have been paid to the fund as of the date payment was made as contributions therefor under another state or federal unemployment compensation law, but

no such arrangement shall be entered into unless it contains provisions for such reimbursement to the fund of such contributions and the actual earnings thereon as the commissioner finds will be fair and reasonable as to all affected interests.

D. Reimbursements paid from the fund pursuant to any reciprocal arrangement authorized by the provisions of this chapter shall be deemed to be benefits for the purposes of sections 2 and 8 of this chapter. The commissioner is authorized to make to other state or federal agencies and to receive from such other state or federal agencies, reimbursements from or to the fund, in accordance with arrangements entered into pursuant to subsection A of this section.

**47. Separability of Provisions.** Amend section 16 of said chapter 179-A by striking out the whole of the same and inserting in place thereof the following: **16. Separability of Provisions.** If any provision of this chapter or the application thereof to any person or circumstances, is held invalid, the remainder of this chapter and the application of such provision to other persons or circumstances shall not be affected thereby.

**48. Suspension and Termination.** Amend section 17 of said chapter 179-A by striking out the whole of the same and inserting in place thereof the following: **17. Suspension and Termination.** If at any time the governor shall find (1) that the provisions of this chapter requiring the payment of contributions and benefits have been held invalid under the constitution of this state by the supreme court of this state or under the United States constitution by the supreme court of the United States in such manner that any person or concern required to pay contributions under this chapter might secure a similar decision, or (2) that the tax imposed by the Federal Unemployment Tax Act, as amended, or any other federal tax against which contributions under this chapter may be credited, has been amended or repealed by Congress or has been held unconstitutional by the supreme court of the United States with the result that no portion of the contribution required by this chapter may be credited against such federal tax, the governor shall publicly so proclaim, and upon the date of such proclamation the provisions of this chapter requiring the payment of contributions and benefits shall be suspended.



The commissioner shall thereupon requisition from the unemployment trust fund all moneys therein standing to its credit and shall direct the state treasurer to deposit such moneys, together with any other moneys, in the fund, as a special fund in any bank or public depositories in this state in which general funds of the state may be deposited, and to hold such moneys for such disposition as the legislature may prescribe.

**49. Saving Clause.** Amend section 18 of said chapter 179-A by striking out the whole of the same and inserting in place thereof the following: **18. Saving Clause.** The legislature reserves the right to amend or repeal all or any part of this chapter at any time; and there shall be no vested private right of any kind against such amendment or repeal. All the rights, privileges, or immunities conferred by this chapter or by acts done pursuant thereto shall exist subject to the power of the legislature to amend or repeal this chapter at any time.

**50. Powers of Commissioner.** Amend said chapter 179-A by inserting after section 18 the following: **19. Federal Minimum Standards.** In the event that the Congress of the United States should pass any legislation establishing certain minimum standards directing the states to make such changes in their various laws as may be necessary to bring them in conformity with such minimum standards, the commissioner, or his duly authorized representative, is hereby authorized to make such revision as may be necessary to cause the provisions of this chapter to conform with such minimum standards. If any of the provisions of this section or the application thereof to any persons or circumstances are held invalid, the remainder of this chapter in the application of this section to other persons or circumstances shall not be affected thereby.

**51. Effective Date.** This act shall take effect upon its passage provided that sections 3, 4, 9, 24 and 30 shall be deemed effective as of January 1, 1941, and further provided that benefits for all payable weeks ending after the date of the passage of this act shall be paid and treated in all respects in accordance with the provisions of the unemployment compensation law as amended by this act.

[Approved May 10, 1941.]

## CHAPTER 104.

AN ACT PROVIDING FOR ALTERNATE JURORS IN CERTAIN CASES.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1. Superior Court Cases.** Amend chapter 321 of the Public Laws (chapter 365, commissioners' report, revising laws of New Hampshire) by adding at the end thereof the following new section: **32. Alternate Juror.** In the trial in the superior court of any case, civil or criminal, when it appears to the presiding justice that the trial is likely to be protracted, upon direction of the presiding justice after the jury has been duly impaneled and sworn an additional or alternate juror shall be selected in the same manner as the regular jurors in said case were selected, but each party shall be entitled to one peremptory challenge as to such alternate juror; such additional or alternate juror shall likewise be sworn and seated near the jury, with equal opportunity for seeing and hearing the proceedings and shall attend at all times upon the trial with the jury and shall obey all orders and admonitions of the court to the jury and, when the jurors are ordered kept together in any case, said alternate juror shall be kept with them. Such alternate juror shall be liable as a regular juror for failure to attend the trial or to obey any order or admonition of the court to the jury, shall receive the same compensation as other jurors, and except as hereinafter provided shall be discharged upon the final submission of the case to the jury. If before the final submission of the case to the jury a juror becomes incapacitated or disqualified or dies, his place shall be taken, upon the order of the court, by said alternate juror who shall become one of the jury and serve in all respects as though selected as an original juror.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved May 14, 1941.]

## CHAPTER 105.

AN ACT RELATING TO THE ANNUAL REPORT OF THE INSURANCE  
COMMISSIONER TO THE SECRETARY OF STATE.

*Be it enacted by the Senate and House of Representatives in  
General Court convened:*

**1. Insurance Commissioner.** Amend section 21 of chapter 271 of the Public Laws (commissioners' report, chapter 312, section 23) by striking out the same and inserting in place thereof the following: **21. Reports.** He shall, on or before November first in each year, file with the secretary of state his annual report. He shall give therein the following statistics relating to each domestic company: The amount of its capital stock, premium notes, risks, losses during the preceding year, indebtedness for borrowed money, indebtedness for losses, expenses in adjusting losses, assessments, collections upon assessments, expense of making such collections, payments to agents for applications for insurance, and such other statistics as will give full information in regard to the management of the company and its financial standing. He shall give therein an abstract of the annual reports made to him by foreign insurance companies doing business in the state. He shall include therein an account of all sums collected by him for the use of the state during the year, and of the expenses of his office. He shall also give such further information, and make such recommendations in relation to the subject of insurance, as he shall deem to be of use to the legislature and the people of the state.

**2. Statistics on File.** Amend said chapter 271 by inserting after section 21 the following new section: **21-a. Reports from Companies.** He shall annually secure from each domestic company and keep on file in his office the following statistics relating to such companies, payments to each of its officers for services, indebtedness to each officer for services, the sum allowed to officers and agents for travel and for services while adjusting losses, and such other facts as he may require.

**3. Takes Effect.** This act shall take effect upon its passage.

[Approved May 14, 1941.]

## CHAPTER 106.

## AN ACT RELATIVE TO GRADING OF EGGS.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1. Grading of Eggs.** Amend section 1 of chapter 60 of the Laws of 1935 (section 1, chapter 194, commissioners' report) by striking out paragraphs V, VI and VII and inserting in place thereof the following: V. "Large" eggs shall mean eggs having an average weight of not less than twenty-four ounces per dozen with no egg or eggs below the rate of twenty-three ounces per dozen. A tolerance of not more than one egg per dozen shall be allowed in this classification, but eggs under this tolerance shall weigh not less than at the rate of twenty-two ounces per dozen. VI. "Medium" eggs shall mean eggs having an average weight of not less than twenty-one ounces per dozen with no egg or eggs below the rate of twenty ounces per dozen. A tolerance of not more than one egg per dozen shall be allowed in this classification, but eggs under this tolerance shall weigh not less than at the rate of nineteen ounces per dozen. VII. "Pullet" or "small" eggs shall mean eggs having an average weight of not less than eighteen ounces per dozen with no egg or eggs below the rate of eighteen ounces per dozen. A tolerance of not more than one egg per dozen shall be allowed in this classification, but eggs under this tolerance shall weigh not less than at the rate of seventeen ounces per dozen.

**2. Definition.** Amend section 1 of chapter 60 of the Laws of 1935 by striking out paragraph IX and inserting in place thereof the following: IX. "Unclassified" or "not sized" eggs shall mean eggs which have not been sorted or graded to size.

**3. Repeal.** Paragraph II of section 6 of chapter 60 of the Laws of 1935 (paragraph II of section 6, chapter 194, commissioners' report) relative to tolerance as to size of eggs, is hereby repealed.

**4. Takes Effect.** This act shall take effect upon its passage.

[Approved May 14, 1941.]

## CHAPTER 107.

## AN ACT RELATING TO PUBLIC WELFARE.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1. Old Age Assistance.** Amend section 8 of chapter 202 of the Laws of 1937 (chapter 126 of the commissioners' report) by adding after the word "settlement" the words, or be prevented from gaining one, so that said section as amended shall read as follows: **8. Settlement.** No person shall lose his settlement or be prevented from gaining one because of receiving old age assistance under the provisions of this subdivision.

**2. Rules and Regulations.** Amend section 3 of said chapter 202 of the Laws of 1937 by striking out the last sentence of said section and inserting in place thereof the following: Said board shall establish and enforce reasonable rules and regulations governing the custody, use and preservation of the records, papers, files and communications relating to the department. The rules and regulations of the board shall be binding upon counties and towns, so that said section as amended shall read as follows: **3. Duties of the Board.** It shall be the duty of the board to supervise and direct the department that its duties herein defined be effectuated, and to make such rules and regulations, and take action necessary or desirable to carry out the provisions of this subdivision. Said board shall establish and enforce reasonable rules and regulations governing the custody, use and preservation of the records, papers, files and communications relating to the department. The rules and regulations of the board shall be binding upon counties and towns.

**3. Public Assistance Records.** Amend said chapter 202 of the Laws of 1937 by inserting after section 35 the following new sections:

**35-a. Confidential Character of.** Whenever under provisions of law names and addresses of recipients of old age assistance, aid to dependent children and aid to the blind are furnished to or held by any other agency or department of government, such agency or department of government shall be required to adopt regulations necessary to prevent the publication of lists thereof or their use for purposes not directly connected with the administration of this chapter.

**35-b. Misuse of Lists and Records.** It shall be unlawful except for purposes directly connected with the administration of old age assistance, aid to the blind, aid to dependent children, and in accordance with regulations prescribed by the board for any person, to solicit, disclose, receive, make use of or to authorize, knowingly permit, participate in or acquiesce in the use of, any list of or names of, or any information concerning persons applying for or receiving such assistance directly or indirectly derived from the records, papers, files or communications of the department of public welfare or agencies thereof, or acquired in the course of the performance of official duties.

**35-c. Penalties.** Any person who shall violate the provisions of section 35-b shall be fined not exceeding twenty-five dollars.

**4. Takes Effect.** This act shall take effect thirty days after its passage.

[Approved May 14, 1941.]

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## CHAPTER 108.

### AN ACT RELATIVE TO PURCHASES BY COUNTIES.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1. Purchases by County.** Amend chapter 38 of the Public Laws (chapter 47, commissioners' report) by inserting after section 7 the following new section: **7-a. Competitive Bidding.** Any purchase of equipment or materials made by a county in an amount exceeding fifty dollars shall be by competitive bidding, provided that the county commissioners by unanimous vote may waive the provisions for such bidding. In case the commissioners so vote a copy of such action shall be recorded in their offices with a statement of the reasons therefor and such record shall be open to public inspection. Orders for equipment or material to be delivered at different times where the single delivery may be less than fifty dollars but the total order exceeds that amount shall be construed as coming within the provisions hereof requiring competitive bidding.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved May 14, 1941.]

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## CHAPTER 109.

AN ACT RELATIVE TO LEGAL INVESTMENTS FOR SAVINGS BANKS.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1. Legal Investments, Savings Banks.** Amend section 8 of chapter 262 of the Public Laws, as amended by section 4, chapter 89, Laws of 1927, section 10, chapter 122, Laws of 1929 and section 5, chapter 67, Laws of 1933 (section 8, chapter 301, commissioners' report) by striking out said section and inserting in place thereof the following: **8. Limitations.** Not exceeding sixty-five per cent of the deposits shall be invested in securities authorized under sections 9 to 12 inclusive; not exceeding five per cent of the deposits shall be invested in the securities of any one company; and not exceeding ten per cent of the deposits shall be invested in securities authorized by sections 9 to 12 inclusive other than bonds, notes, equipment securities and receivers' certificates provided that whenever ten per cent of the deposits is invested in stocks an additional five per cent may be invested in stocks of senior preference which qualify as aforesaid and provided further that the issuing company thereof has had earnings applicable to dividends on such stock in each of the five years next preceding such investment equal to at least two and one half times the dividend requirements of such stock. No investment shall be made in the securities of a corporation authorized by paragraphs VIII, IX and X of section 12 unless at least sixty-five per cent of the gross income of such corporation is derived from the direct operation of its water, heat, ice, gas, electric light or electric power business, or a combination of two or more of the foregoing described businesses.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved May 15, 1941.]

**CHAPTER 110.****AN ACT RELATING TO ACCIDENT AND HEALTH INSURANCE  
POLICIES.**

*Be it enacted by the Senate and House of Representatives in  
General Court convened:*

**1. Policies.** Amend section 22 of chapter 281 of the Public Laws (chapter 322, section 22, commissioners' report) by striking out said section and inserting in place thereof the following: **22. Blanket Policies.** This chapter shall not apply to or affect any policies of liability or workmen's compensation insurance, and the provisions of sections 4 to 15, inclusive, of this chapter shall not apply to or affect any general or blanket policy of insurance issued to any municipal corporation or department thereof, or to any employer, institution devoted to educational or instructional purposes, police or fire department, underwriters' corps, salvage bureau or like associations or organizations, where the officers, members, students or employees or classes or departments thereof are insured for their individual benefit against specified accidental bodily injuries or sickness while exposed to the hazards of the occupation or otherwise in consideration of a premium intended to cover the risks of all the persons insured under such policy.

**2. Provisions Governing.** Amend said chapter 281 of the Public Laws (chapter 322, commissioners' report) by inserting after section 25 the following new section: **25-a. Group or Blanket Policy Provisions.** I. No policy of group or blanket accident or health insurance, or accident and health insurance, and no certificate thereunder shall, except as provided in paragraph III hereof, be delivered or issued for delivery in this state unless the policy contains in substance each and all of the provisions set forth in the following paragraphs or provisions which in the opinion of the commissioner are more favorable to the holders of such certificates or not less favorable to the holders of such certificates and more favorable to policyholders:

(a) A provision that no statement made by the applicant for insurance shall avoid the insurance or reduce benefits thereunder unless contained in the written application signed by the applicant; and a provision that no agent has authority to change the policy or to waive any of its provisions; and



that no change in the policy shall be valid unless approved by an officer of the insurer and evidenced by endorsement on the policy, or by amendment to the policy signed by the policyholder and the insurer.

(b) A provision that all statements contained in any such application for insurance shall be deemed representations and not warranties.

(c) A provision that all new employees or new members, as the case may be, in the groups or classes eligible for such insurance must be added to such groups or classes for which they are respectively eligible.

(d) A provision that all premiums due under the policy shall be remitted by the employer or employers of the persons insured or by some other designated person acting on behalf of the association or group insured, to the insurer on or before the due date thereof, with such period of grace as may be specified therein.

(e) A provision stating the conditions under which the insurer may decline to renew the policy.

(f) A provision that the insurer shall issue to the employer or other person or association in whose name such policy is issued, for delivery to each member of the insured group, an individual certificate setting forth in summary form a statement of the essential features of the insurance coverage of such employee or such member, to whom the benefits thereunder are payable, and in substance the provisions of paragraphs (g) to (n) inclusive.

(g) A provision specifying the ages, if any there be, to which the insurance provided therein shall be limited; and the ages, if any there be, for which additional restrictions are placed on benefits, and the additional restrictions placed on the benefits at such ages.

(h) A provision that written notice of sickness or of injury must be given to the insurer within twenty days after the date when such sickness or injury occurred. Failure to give notice within such time shall not invalidate nor reduce any claim if it shall be shown not to have been reasonably possible to give such notice and that notice was given as soon as was reasonably possible.

(i) A provision that in the case of claim for loss of time for disability, written proof of such loss must be

furnished to the insurer within thirty days after the commencement of the period for which the insurer is liable, and that subsequent written proofs of the continuance of such disability must be furnished to the insurer at such intervals as the insurer may reasonably require, and that in the case of claim for any other loss, written proof of such loss must be furnished to the insurer within ninety days after the date of such loss. Failure to furnish such proof within such time shall not invalidate nor reduce any claim if it shall be shown not to have been reasonably possible to furnish such proof and that such proof was furnished as soon as was reasonably possible.

(j) A provision that the insurer will furnish to the policyholder such forms as are usually furnished by it for filing proof of loss. If such forms are not furnished before the expiration of fifteen days after the insurer receives notice of any claim under the policy, the person making such claim shall be deemed to have complied with the requirements of the policy as to proof of loss upon submitting within the time fixed in the policy for filing proof of loss, written proof covering the occurrence, character and extent of the loss for which claim is made.

(k) A provision that the insurer shall have the right and opportunity to examine the person of the insured when and so often as it may reasonably require during the pendency of claim under the policy and also the right and opportunity to make an autopsy in case of death where it is not prohibited by law.

(l) A provision that all benefits payable under the policy other than benefits for loss of time will be payable not more than sixty days after receipt of proof, and that, subject to due proof of loss all accrued benefits payable under the policy for loss of time will be paid not later than at the expiration of each period of thirty days during the continuance of the period for which the insurer is liable, and that any balance remaining unpaid at the termination of such period will be paid immediately upon receipt of such proof.

(m) A provision that indemnity for loss of life of the insured is payable to the beneficiary if surviving the insured, and otherwise to the estate of the insured; and that all other indemnities of the policy are payable to the insured; and that if a beneficiary is designated, the consent of the

beneficiary shall not be requisite to change of beneficiary, or to any other changes in the policy or certificate, except as may be specifically provided by the policy.

(n) A provision that no action at law or in equity shall be brought to recover on the policy prior to the expiration of sixty days after proof of loss has been filed in accordance with the requirements of the policy and that no such action shall be brought at all unless brought within two years from the expiration of the time within which proof of loss is required by the policy.

II. Any portion of any such policy, delivered or issued for delivery in this state, which purports, by reason of the circumstances under which a loss is incurred, to reduce any benefits promised thereunder to an amount less than that provided for the same loss occurring under ordinary circumstances, shall be printed, in such policy and in each certificate issued thereunder, in bold face type and with greater prominence than any other portion of the text of such policy or certificate, respectively; and all other exceptions of the policy shall be printed in the policy and in the certificate, with the same prominence as the benefits to which they apply. If any such policy contains any provision which affects the liability of the insurer because of any violation of law by the insured during the term of the policy, it shall be in the following form: The insurer shall not be liable for death, injury incurred or disease contracted, to which a contributing cause was the insured's commission of, or attempt to commit, a felony, or which occurs while the insured is engaged in an illegal occupation. If any such policy contains any provision which affects the liability of the insurer because of the insured's use of intoxicating liquor or narcotics during the term of the policy, it shall be in the following form: The insurer shall not be liable for death, injury incurred or disease contracted while the insured is intoxicated or under the influence of narcotics unless administered on the advice of a physician.

III. The commissioner may approve any form of blanket accident or health or accident and health insurance policy, or any form of certificate to be issued under such policy, which omits or modifies any of the provisions hereinbefore required, if he deems such omission or modification suitable for the character of such insurance and not unjust to the persons insured thereunder.

IV. Any such general or blanket policy may include benefits payable on account of hospital or medical or surgical aid for an employee or other member of the group insured by such policy, his or her spouse, child or children or other dependents.

3. **Takes Effect.** This act shall take effect upon its passage.

[Approved May 15, 1941.]

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## CHAPTER 111.

AN ACT RELATIVE TO LIGHTS AND REFLECTORS ON MOTOR VEHICLES, TRACTORS, TRAILERS AND SEMI-TRAILERS.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

1. **Definitions.** Amend section 1, chapter 99, Public Laws, (section 1, chapter 115, commissioners' report) by inserting after paragraph XXVIII, as inserted by section 5, chapter 189, Laws of 1939, the following new paragraph: XXIX. "Bus" any motor vehicle with a width in excess of eighty inches designed or adapted and used for the transportation of passengers.

2. **Reflectors.** Amend section 6, chapter 103, Public Laws, as amended by section 2, chapter 105, Laws of 1933 (section 8, chapter 119, commissioners' report) by striking out said section and inserting in place thereof the following: 6. **Tail Lamps and Reflectors.** Every motor vehicle, tractor, trailer and semi-trailer, when on the highways of this state at night, shall have on the rear thereof, and to the left of the axis thereof, one lamp displaying a red light visible for a distance of at least one hundred feet behind such vehicle, and a white light illuminating the registration plate of such vehicle so that the characters thereon shall be visible for a distance of at least fifty feet. Every such device shall be approved by the motor vehicle commissioner. Application for such approval, accompanied by a fee of fifty dollars, may be made to the motor vehicle commissioner by any manufacturer thereof or dealer therein. Every lamp, bulb or light used in any tail lamp shall be of such candle power as may be specified for the

approved device in the certificate approving the use thereof. Provided every bus, motor truck, trailer or semi-trailer shall, in addition to such rear lamps be equipped with two red reflectors on the rear thereof, one at each side, of such a type and size as shall be approved by the motor vehicle commissioner. Such reflectors shall be located not less than twenty-four nor more than forty-eight inches above the ground, and shall be placed in such manner as to indicate the extreme width of the vehicle and load and to reflect rays of light thrown upon such reflector. The visibility of such reflector shall not be impaired at any time.

**3. Requirements for Bus, Motor Truck, etc.** Amend section 6-a, chapter 103, Public Laws, as inserted by section 1, chapter 134, Laws of 1933 (section 9, chapter 119, commissioners' report) by striking out said section and inserting in place thereof the following: **6-a. Clearance Lamps.** Every bus, motor truck, trailer or semi-trailer, having a width including load in excess of eighty inches, when on the highways of this state at night, shall have displayed on the front thereof, in addition to the front lights provided for in section 5, two amber clearance lamps. Every such vehicle shall have displayed on the rear thereof, in addition to the tail lamp and reflectors provided for in section 6, two red clearance lamps. All clearance lamps shall be located on the permanent part of the body, as high as possible thereon, one at the extreme left and one at the extreme right, to indicate the extreme width of said vehicle and load. Those on the front shall be visible, when lighted, for a distance of at least five hundred feet from the front and the side and those at the rear shall be visible, when lighted, for a distance of at least five hundred feet from the rear and the side, of said vehicle. However, in the case of vehicles and loads in excess of forty-five feet in length, the rear most clearance lamp arrangement shall be mounted on each side on the rear most support for the load, one combination marker lamp showing amber to the front and red to the side and rear, mounted to indicate the maximum width of the vehicle and load. Said clearance lamps shall be of such type, size and color as shall be approved by the motor vehicle commissioner.

**4. Additional Reflectors.** Amend section 6-b, chapter 103, Public Laws, as inserted by section 1, chapter 44, Laws of

1935 (section 10, chapter 119, commissioners' report) by striking out said section and inserting in place thereof the following: **6-b. Requirements.** Every bus, motor truck, and every trailer and semi-trailer, provided the weight of said trailer or semi-trailer, including load, is three thousand pounds or more, shall in addition to reflectors required in section 6, when operated upon the highways of this state at night, have displayed on the body or load carrying portion of said vehicle, the following; on each side one amber reflector, located at or near the front, and one red reflector located at or near the rear. Such reflectors shall be of such a type and size as shall be approved by the motor vehicle commissioner and shall be located not less than twenty-four nor more than forty-eight inches from the ground. The visibility of any such reflector shall not be impaired at any time.

**5. Repeal.** Section 27 of chapter 103, Public Laws (section 39, chapter 119, commissioners' report) relative to lights, is hereby repealed.

**6. Takes Effect.** This act shall take effect sixty days after its passage.

[Approved May 15, 1941.]

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## CHAPTER 112.

### AN ACT RELATING TO SANITARY INSPECTORS.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1. Employees of State Board of Health.** Amend section 1 of chapter 136, Public Laws, (section 1, chapter 159, commissioners' report) by striking out said section and inserting in place thereof the following: **1. Employment.** For the purpose of carrying out the provisions of this chapter and of other statutes the enforcement of which rests with the state board of health, said board may employ persons to be known as inspectors, sanitarians, sanitary engineers and other agents. The salaries of such employees shall be fixed by the board with the approval of the governor and council and such employees shall be paid their actual expenses legally incurred when engaged in the performance of their duties. All powers and duties imposed on inspectors by the provisions of this

chapter may be imposed on sanitarians, sanitary engineers and other agents in so far as the board shall determine.

**2. Powers.** Amend said chapter 136 (said chapter 159) by inserting after section 5 the following new section: **5-a. Authority to Seize; Embargo.** Said inspectors, sanitarians, sanitary engineers and other agents are hereby authorized and empowered to seize for use as evidence and without warrant any article or commodity found being sold, distributed, or used in violation of the laws relative to public health matters; also to embargo the further sale, distribution or use of said articles or commodities, provided, however, that in the collection of samples of commodities for investigation the retail price thereof shall be tendered.

**3. Takes Effect.** This act shall take effect upon its passage.

[Approved May 16, 1941.]

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## CHAPTER 113.

### AN ACT FOR THE BENEFIT OF CLUBS AFFILIATED WITH NATIONAL ORGANIZATIONS.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1. Liquor Licenses.** Amend chapter 3 of the Laws of the special session of 1934 (chapter 167, commissioners' report) by inserting after section 22 the following new section: **22-a. Clubs Affiliated with National Organizations.** In towns and cities which have accepted the provisions of this act, clubs affiliated with a national fraternal organization and being established for not less than one year, may be entitled to a license for the sale of liquor by glass only to members and *bona fide* guests in said club under rules laid down by said commission.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved May 16, 1941.]

## CHAPTER 114.

AN ACT PROVIDING FOR AN OPEN SEASON FOR TAKING ELK.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1. Prohibition.** Amend section 1 of chapter 198 of the Public Laws, as inserted by section 2, chapter 124, Laws of 1935 (section 1, chapter 233, commissioners' report) by striking out said section and inserting in place thereof the following: **1. Moose, Caribou, Elk.** No person shall at any time hunt, take or have in his possession any moose, caribou or any part of the carcass thereof, taken in this state. No person shall at any time hunt, take or have in his possession any elk or any part of the carcass thereof, taken in this state, except as is provided in section 13-a of this chapter.

**2. Open Season for Elk; Limitation.** Amend chapter 198 of the Public Laws, as inserted by chapter 124, Laws of 1935 (chapter 233, commissioners' report) by inserting after section 13 the following new section: **13-a. Taking Elk.** During the last fifteen days of December of any year the director may at his discretion declare an open season on elk to be taken in the towns of Acworth, Unity, Washington, Lempster, Goshen, Stoddard and immediate vicinity under the conditions hereinafter set forth.

I. Not more than one hundred and twenty-five elk shall be taken in any one year.

II. No person shall take elk in this state without procuring a special license therefor in addition to the regular resident fishing and hunting license. The fee for such special license shall be five dollars.

III. No person shall take elk other than upon the two days in any year as specified in his license. On the specified days elk may be taken under the terms hereof from sunrise to sunset only.

IV. No person may make more than one application in one year for an elk license and all applications for such license shall be accompanied by the required fee.

V. No application for a special elk license shall be accepted by the department later than November thirtieth of the year in which elk hunting is permitted.



VI. Not more than six hundred licenses shall be issued in any one year. The procedure for ascertaining to whom licenses shall be issued shall be as follows: On the first Monday of December of the year elk hunting is permitted, the names of applicants, who have paid the required fee, shall be typewritten on separate pieces of paper and placed by the director, in the presence of the attorney general, or his official representative, one member of the state senate and one member of the house of representatives, chosen by the attorney general, in a bowl of at least twelve inches in depth with an opening not exceeding six inches. The contents of the bowl shall thoroughly be mixed and names shall then be drawn from the bowl by one of the three above-named persons, as determined by the attorney general. The person so drawing out the names shall be blindfolded when so drawing out said names. The names as drawn out shall be recorded in the order of being drawn. If necessary the drawing may be made on more than one day, at the discretion of the director.

VII. Licenses bearing the effective dates stamped with indelible ink shall be issued in the order drawn to those persons whose names were drawn as herein provided. The number of licenses issued per day shall be such as the director may determine commensurate with the public safety but in no case shall over six hundred licenses be issued and after one hundred and twenty-five elk have been taken no further licenses shall be issued.

VIII. Any applicant for an elk license to whom a license is not issued shall be refunded the amount of four dollars and seventy-five cents, not later than December twenty-sixth of the year such application is received. The fish and game department is hereby authorized to make the refunds authorized hereunder. Any applicant whose name has been drawn as above provided but to whom no license has been issued may between the first Monday of December and the twenty-sixth of December withdraw his application and the fee shall be refunded as herein provided. Any person to whom a license has been issued and is unable to use such license because the maximum number of elk allowed to be killed have been killed shall be refunded the fee as herein provided.

IX. Every holder of an elk license shall report within six hours after the expiration of his license in person to a checking station specified on his license if he has been success-

An act in amendment of sections 2 and 3 of chapter 188 of the General Laws, in relation to adoption of children.

An act in amendment of chapter 145, relating to floating timber and damage thereon.

An act in amendment of chapter 80, Laws of 1883, in relation to the settlement of paupers.

An act in amendment of chapter 83, section 14, of the General Laws, relating to the support of county paupers.

An act in addition to chapter 139 of the General Laws, relating to liens.

To the Committee on Railroads :

An act relating to the annual returns of railroad corporations.

An act relating to the powers and duties of the board of railroad commissioners.

To the Committee on Banks :

An act to incorporate the Lisbon Savings Bank and Trust Company.

To the Committee on Incorporations :

An act to incorporate the Nute High School and Library in the town of Milton.

An act to incorporate W. W. Brown Camp, Sons of Veterans, New Hampshire Division.

An act to incorporate the Ancient Order of United Workmen's Building Association, of Manchester, New Hampshire.

An act to incorporate the Home Mutual Aid Society, at Seabrook.

An act to confirm and continue the organization of the Citizens' Fire Insurance Company.

To the Committee on Agriculture :

An act for the protection of deer in Cheshire county.

An act for the protection of horse owners and breeders.

An act for the protection of pickerel in Lake Warren.

An act for the encouragement of the dairy interests in New Hampshire.

An act to prohibit fishing in certain tributaries of Newfound Lake.

The following joint resolutions, sent up from the House of Representatives, were severally read a first and second time and referred :

To the Committee on Towns and Parishes :

Joint resolution in relation to supplying the town of Temple with certain New Hampshire Law Reports lost by fire.

Joint resolution in relation to the procuring of the first fourteen New Hampshire Reports for the town of Alstead.

To the Committee on Agriculture :

Joint resolution in relation to the fish commission, and for a fish-hatching house at Newfound Lake.

Joint resolution in relation to a fish-hatching house in Cheshire county.

Joint resolution in relation to a fish-hatching house at Laconia.

Senator Willard, under suspension of the rules, sixteen senators actually voting in favor thereof, introduced a bill entitled "An act to incorporate the Crystal Lake Water Company," which was read a first and second time and referred to the Committee on Incorporations.

On motion of Senator Moses, the Senate adjourned.

#### AFTERNOON.

(The president in the chair.)

(Senator Willson in the chair.)

On motion of Senator Eastman, the rules were so far suspended

Provided that in case improvements have been made on said property between April 1, 1940, and the date when acquired for aeronautical facilities, the payments to the city or town in which such property or rights are located shall be based upon the assessed value as of April first following such improvements.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved May 20, 1941.]

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## CHAPTER 118.

### AN ACT RELATING TO THE PREDETERMINATION BY THE COMMISSIONER OF LABOR OF THE MINIMUM WAGES OF EMPLOYEES IN PUBLIC WORKS.

*Be it enacted by the Senate and House of Representatives in  
General Court convened:*

**1. Regulation by the Commissioner of Labor.** The rate per hour of the wages paid to mechanics, teamsters, chauffeurs, and laborers employed in the construction of public works by the state of New Hampshire, or by a county or town, or by persons contracting or sub-contracting for such work shall not be less than the rate or rates of wages to be determined by the commissioner of labor as hereinafter provided; provided, that the wages paid to mechanics, teamsters, chauffeurs, and laborers employed on said works shall not be less than the wages paid to said employees in the municipal service of the town or towns where said works are being constructed; provided, further, that where the same public work is to be constructed in two or more towns, the wages paid to said employees shall not be less than the wages paid to said employees in the municipal service of the town paying the highest rate; provided, further, that if, in any of the towns where the works are to be constructed, a wage rate or wage rates have been established in certain trades and occupations by collective agreements or understandings between organized labor and employers, the rate or rates to be paid on said works shall not be less than the rates so established; provided, further, that in towns where no such rate or rates have been so established, the wages paid to said employees on public

works, shall not be less than the wages paid in said towns to the employees in the same trades and occupations by private employers engaged in the construction industry. This section shall also apply to regular employees of the state, or of the county or town when such employees are employed in the construction, addition to, or alteration of said works for which special appropriations are provided.

**2. Determination of Wages, Enforcement, and Penalties.** The commissioner shall prepare, for the use of such public officials or public bodies whose duty it shall be to cause public works to be constructed, a list of the several jobs usually performed on various types of public works upon which mechanics, teamsters, chauffeurs, and laborers are employed. The commissioner shall classify said jobs, and he may revise such classification from time to time, as he may deem advisable. Prior to awarding a contract for the construction of public works, said public official or public body shall submit to the commissioner a list of the jobs upon which mechanics, teamsters, chauffeurs, and laborers are to be employed, and shall request the commissioner to determine the rate of wages to be paid on each job. The commissioner, subject to the provisions of the preceding section, shall proceed forthwith to determine the same, and shall furnish said official or public body with a schedule of such rate or rates of wages as soon as said determination shall have been made. In advertising or calling for bids for said works, the awarding official or public body shall incorporate said schedule in the advertisement or call for bids by an appropriate reference thereto, and shall furnish a copy of said schedule, without cost, to any person requesting the same. Said schedule shall be made a part of the contract for said works and shall continue to be the minimum rate or rates of wages for said employees during the life of the contract. Any person engaged in the construction of said works shall cause a legible copy of said schedule to be kept posted in a conspicuous place at the site of said works during the life of the contract. Whoever shall pay less than said rate or rates of wages to an employee on said works shall forfeit to the commissioner a sum equal to twice the difference between said rate or rates and the wages actually paid to said employee, said sum to be recovered by the commissioner in an action of contract for the benefit of the

employee; and whoever, for himself, or as representative, agent or officer of another, shall withhold, take, or receive for his own use or the use of any other person, as a rebate, refund, or gratuity, or in any other guise, any part or portion of the wages paid to any employee for work done or service rendered on said public works, shall be punished for each offense by a fine of not less than one hundred nor more than three hundred dollars, or by imprisonment for not more than six months, or both.

**3. Appeal.** Within three days from the date of the first advertisement or call for bids, two or more employers of labor, or two or more members of a labor organization, or the awarding officer or official, or five or more residents of any town in which the public works are to be constructed, may appeal to the board of appeal, which shall be composed of the commissioner of labor, the highway commissioner, and the employment director, from a wage determination, or a classification of employment as made by the commissioner, by serving on the commissioner a written notice to that effect. Thereupon the commissioner shall immediately cause the board of appeal to hold a public hearing on the commissioner's action appealed from. The board of appeal shall render its decision not later than three days after the closing of the hearing. The decision of a majority of the board of appeal shall be final and notice thereof shall be given forthwith to the appellants and the awarding official or public body.

**4. Records.** Every contractor, sub-contractor or public body engaged in said public works to which the two preceding sections apply, shall keep true and accurate registers of all mechanics, teamsters, chauffeurs, and laborers employed thereon, showing the name, address, and occupation classification of each employee on said works, and the hours worked by, and the wages paid to, each such employee, and shall furnish to the commissioner upon his request a true statement of the same. Such records shall be kept in such manner as the commissioner shall prescribe, and shall be open to inspection by any authorized representative of the department of labor at any reasonable time and as often as may be necessary.

**5. Penalties.** Whoever, either by himself or an agent, superintendent, or foreman for another, violates any provision

of the four preceding sections, where no other penalty has been provided for, shall be punished by a fine of not less than one hundred nor more than three hundred dollars for each offense, or by imprisonment for not more than three months, or both. Whoever shall have been convicted of a second violation of any of said provisions shall be prohibited from contracting, directly or indirectly, with the state, or any county, or town for the construction of any public works, or from performing any work on the same as contractor or subcontractor for a period of two years from the date of said conviction.

**6. Definitions.** Wherever used in sections one to five, inclusive, the words "construction" and "constructed", as applied to public works, shall include additions to and alterations of public works.

**7. Takes Effect.** This act shall take effect upon its passage.

[Approved May 20, 1941.]

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## CHAPTER 119.

### AN ACT RELATIVE TO WORKMEN'S COMPENSATION.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1. Determination of Questions by the Court.** Amend section 29 of chapter 178 of the Public Laws (section 33, chapter 209, commissioners' report) by inserting after the word "chapter" in the second line the words, or any injured workman coming under the compensation features of this chapter, so that said section as amended shall read as follows: 29.

**Petition.** Any employer who has declared his intention to act under the compensation features of this chapter, or any injured workman coming under the compensation features of this chapter, shall have the right to apply by similar proceedings to the superior court, or to any justice thereof, for a determination of the amount of the weekly payments, or of a lump sum in lieu of such weekly payments, to be paid the injured workman.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved May 20, 1941.]

**CHAPTER 120.****AN ACT TO CREATE DISTRICT FOREST ADVISORY BOARDS.**

*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1. Declaration of Policy.** It is hereby recognized and declared that the public welfare of this state requires the maintenance, protection, and rehabilitation of forest lands, soils and cover, for the purpose of conserving the ground waters, springs, streams and public water supplies, maintaining forest industries in rural communities and providing thereby additional employment and revenue to farmers and other workers, promoting healthful surroundings, recreational opportunities and scenic values, improving conditions for wild life, and providing all other benefits accruing to the public as the result of perpetuating a proper forest cover on forest land. It is further recognized and declared that accurate and detailed information concerning the state's timber resources and uses is essential to planning for the wise use and perpetuation of those resources and that the welfare of the state will be served by making such information as complete as possible.

**2. Definition.** "Forest land" as used in this act shall include all lands in this state, except those owned by the United States of America, which by reason of their location and character of soil have their principal use as wood or timber producing areas, and other lands the continuance of which under forest cover is of substantial importance to the public interest.

**3. Forest Districts.** The state forester shall designate within the state districts convenient for the purpose of administering forest laws, which shall be known as forest districts.

**4. District Forest Advisory Boards.** The forestry and recreation commission shall appoint district forest advisory boards in each forest district, of such number, not less than three, as it may determine, composed of citizens who reside in such districts and who are interested in forest conservation. The duties of said advisory boards shall be to collect data, study the forest conditions in their respective districts, and formulate proposals for legislative action when, as, and if, in their judgment, such action is advisable to conserve the public



interest in forest land. Such boards shall meet from time to time as recommended by the state forester and shall advise and assist him in the duties of his office. Each board shall organize by choosing annually one of its number as chairman; and the district forester or fire chief in each district shall act as secretary and keep true records of their proceedings. In appointing such boards, said commission shall fix the term of office of each member thereof so that the term of office of one or more thereof shall expire annually. Vacancies in said boards shall be filled by said commission. The members shall receive no compensation for their services.

**5. Takes Effect.** This act shall take effect upon its passage.

[Approved May 20, 1941.]

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## CHAPTER 121.

AN ACT AUTHORIZING A STATE BOND ISSUE TO REIMBURSE THE STATE TREASURY FOR CERTAIN RELIEF EXPENDITURES.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1. Bond Issue Authorized.** The state treasurer is hereby authorized, under the direction of the governor and council, to borrow upon the credit of the state an amount not exceeding five hundred thousand dollars, to reimburse the state treasury for sums heretofore appropriated by chapter 20 of the Laws of 1935 and expended, but not heretofore raised by loan or otherwise, for grants and reimbursements to counties, cities and towns on account of moneys expended by them for direct relief, and for that purpose to issue and sell bonds in such form and with such provisions as the governor and council shall determine.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved May 20, 1941.]

**CHAPTER 122.**

AN ACT RELATING TO THE ISSUE OF NON-ASSESSABLE POLICIES  
BY MUTUAL FIRE AND CASUALTY INSURANCE COMPANIES.

*Be it enacted by the Senate and House of Representatives in  
General Court convened:*

**1. Non-assessable Policies, Domestic Companies.** Amend section 2 of chapter 273 of the Public Laws, as amended by section 1 of chapter 104, Laws of 1929, (section 2, chapter 314, commissioners' report) by adding at the end of said section the following: Any such mutual fire insurance company, from and after the effective date of this act, and any such mutual casualty insurance company, from and after January 1, 1943, may issue non-assessable policies in this state upon compliance with the following requirements: (a) It shall have and at all times maintain a surplus to policyholders as determined from its latest annual statement on file which, together with ten per cent of its unearned premium reserve is at least equal to the minimum capital required for the organization of a domestic stock insurance company to do the same kind or kinds of insurance. (b) Mutual companies formed to do business under paragraphs I and II of section 1, chapter 272 of Public Laws, shall maintain a deposit with the insurance commissioner of one hundred and fifty thousand dollars and mutual companies formed to do business under paragraphs IV, V, VI, or VII of said section shall maintain a deposit with the insurance commissioner of two hundred and fifty thousand dollars in cash or in securities which are legal investments for savings banks and in such other investments as may be approved by the insurance commissioner. (c) A mutual fire or casualty insurance company shall issue non-assessable policies only so long as it maintains these financial requirements and if it fails to maintain these requirements it shall not thereafter issue non-assessable policies in this state for one year from the time when its surplus, unearned premium reserve and deposit again meet the financial requirements of this section. (d) Every policy issued by any such company shall clearly state whether or not the holder of such policy is subject to liability for assessment. Any policy issued by any such company which subjects the policyholder to liability for assessment shall contain a clear statement of

the liability of the policyholder for the payment of his proportionate share of any deficiency or impairment as provided by law within the limit established by the policy, and shall further state that any assessment shall be for the exclusive benefit of holders of policies which provide for such contingent liability; and the holders of such policies shall not be liable to assessment in an amount greater in proportion to the total deficiency than the ratio that the deficiency attributable to the assessable business bears to the total deficiency, so that said section as amended shall read as follows: **2. Contingent Liability.** Any mutual fire or casualty insurance company organized under the laws of this state, which charges a full cash premium, may limit the liability of policyholders to assessment by a stipulation in the policy, which shall have the same effect as a deposit note signed by the insured; but such contingent liability of a member shall not be less than an amount equal to and in addition to the cash premium written in his policy. Any such mutual fire insurance company, from and after the effective date of this act, and any such mutual casualty insurance company, from and after January 1, 1943, may issue non-assessable policies in this state upon compliance with the following requirements: (a) It shall have and at all times maintain a surplus to policyholders as determined from its latest annual statement on file, which together with ten per cent of its unearned premium reserve is at least equal to the minimum capital required for the organization of a domestic stock insurance company to do the same kind or kinds of insurance. (b) Mutual companies formed to do business under paragraphs I and II of section 1, chapter 272 of Public Laws, shall maintain a deposit with the insurance commissioner of one hundred and fifty thousand dollars and mutual companies formed to do business under paragraphs IV, V, VI, or VII of said section shall maintain a deposit with the insurance commissioner of two hundred and fifty thousand dollars in cash or in securities which are legal investments for savings banks and in such other investments as may be approved by the insurance commissioner. (c) A mutual fire or casualty insurance company shall issue non-assessable policies only so long as it maintains these financial requirements and if it fails to maintain these requirements it shall not thereafter issue non-assessable policies in this state for

one year from the time when its surplus, unearned premium reserve and deposit again meet the financial requirements of this section. (d) Every policy issued by any such company shall clearly state whether or not the holder of such policy is subject to liability for assessment. Any policy issued by any such company which subjects the policyholder to liability for assessment shall contain a clear statement of the liability of the policyholder for the payment of his proportionate share of any deficiency or impairment as provided by law within the limit established by the policy, and shall further state that any assessment shall be for the exclusive benefit of holders of policies which provide for such contingent liability; and the holders of such policies shall not be liable to assessment in an amount greater in proportion to the total deficiency than the ratio that the deficiency attributable to the assessable business bears to the total deficiency.

**2. Non-assessable Policies; Foreign Companies.** Amend chapter 275, Public Laws (chapter 316, commissioners' report) by adding after section 5 the following new section: **5-a. Non-assessable Policies.** Any mutual fire or casualty insurance company now or hereafter admitted to transact business in this state may issue non-assessable policies in compliance with the requirements of section 2 of chapter 273, except that the deposit required by said section may be made in the home state of such admitted company in cash or securities legal for investments by such companies in such home state. Any deposit required for the purposes specified in this section shall be inclusive of any deposit required by any other state, provided that such deposit is for the benefit of all policyholders in the United States.

**3. Takes Effect.** This act shall take effect upon its passage.

[Approved May 20, 1941.]

**CHAPTER 123.****AN ACT RELATING TO THE CARE AND CUSTODY OF FEMALE CONVICTS.**

*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1. Care and Custody of Female Convicts.** Amend chapter 400 of the Public Laws (chapter 453, commissioners' report) by adding at the end thereof the following new subdivision:

**Care and Custody of Female Convicts**

**33. Contracts Authorized.** The trustees of the state prison are authorized to contract with the authorities of other states having penal institutions in which female convicts are kept separate or apart from male convicts, for the care, custody, maintenance and confinement in such institutions of females convicted under the laws of this state of offenses punishable by imprisonment in the state prison. Such contracts shall be approved by the governor and council.

**34. Transfer of Prisoners.** After making a contract authorized by the preceding section any female sentenced to imprisonment in the state prison, including those who may at the date of such contract be confined therein may, upon direction of said trustees, be conveyed to the institution named in such contract by the warden of the state prison or his assistant, there to be confined until her sentence shall have expired or she shall have been discharged by law, or until she shall have been returned to the state prison or delivered to some other penal institution under a contract authorized by this act.

**35. Good Behavior.** The law of this state with respect to diminution of the length of a sentence for good behavior or other cause shall apply to all sentences served in whole or in part in such out-of-state institutions.

**36. Return or Transfer of Convicts.** Upon the termination of any contract entered into in accordance with the provisions of this act, or when the terms of any such contract shall so provide, convicts confined in such out-of-state institutions shall be returned by the warden or his assistant to the state prison or shall be delivered to such other penal institution as the trustees shall have contracted with under the pro-

visions of this act. The trustees shall provide for the return to this state of all such convicts, as shall desire to return upon the expiration of their sentences or other discharge by law.

**37. Cost.** The cost of maintenance of such convicts and the expenses incident to their transfer shall be payable out of the funds provided for the maintenance of the state prison.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved May 22, 1941.]

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## CHAPTER 124.

### AN ACT RELATIVE TO THE ADMITTANCE OF FEEBLE-MINDED PERSONS TO LACONIA STATE SCHOOL.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1.\* Dormitory at Laconia State School.** Amend section 1 of chapter 221 of the Laws of 1939 by striking out the word "adults" where it occurs in the twenty-first line and inserting in place thereof the words, persons within the age limits provided by section 1 of chapter 112 of the Public Laws, and by striking out the word "adults" in the twenty-fourth line thereof and inserting in place thereof the words, persons within said age limits, so that said section as amended shall read as follows: **1. Appropriation.** For the purpose of additional facilities for the state hospital there is hereby appropriated the sum of one million dollars for such of the following items as the governor and council may approve: (a) to cover the cost to change the electric system from D. C. to A. C. current, including wiring, motors and equipment; (b) power plant equipment; (c) pump and elevator for the Thayer building; (d) new steam main for the Walker building; (e) exhaust heaters for the Walker and Tobey buildings; (f) vacuum system for the Kent building; (g) laundry equipment; (h) renovation of water mains and hydrants; (i) construction and equipment of a medical-surgical building or admission building; (j) the construction and equipment of one patients dormitory of one hundred beds to be located on land of the

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\* See also chapter 181, *post*.

state hospital; (k) and the construction and equipment of one patients dormitory of one hundred beds to be located on land of the Laconia State School, the site of the latter dormitory to be chosen by the trustees of said school with the approval of the governor and council; said dormitory upon completion shall be under the jurisdiction and control of the trustees of said school; feeble-minded persons within the age limits provided by section 1 of chapter 112 of the Public Laws may with the approval of the trustees and superintendent of said school be transferred from the state hospital by its superintendent to said dormitories and other feeble-minded persons within said age limits may, with the approval of the trustees and superintendent of said school, be committed thereto, as now by law permitted; (l) purchase of land, to be located not more than five miles from the present hospital grounds in Concord; (m) for additions and extensions to the commissary department. The appropriation hereby made shall be expended by the trustees of the state hospital except the dormitory at the Laconia State School which shall be by the trustees of the state school, in accordance with plans and specifications to be approved by the governor and council.

**2. Laconia State School.** Amend chapter 112 of the Public Laws (chapter 129, commissioners' report) by inserting after section 8 the following new section: **8-a. Commitment and Transfer.** Feeble-minded persons within the age limits provided by section 1 may, with the approval of the trustees and superintendent of said school, be transferred from the state hospital by its superintendent to the dormitory erected at said school under the provisions of chapter 221 of the Laws of 1939, and other feeble-minded persons within said age limits may, with the approval of the trustees and superintendent of said school, be committed thereto, as by law permitted.

**3. Takes Effect.** This act shall take effect upon its passage.

[Approved May 22, 1941.]

**CHAPTER 125.**

AN ACT MAKING PROVISION FOR THE STATE TO COOPERATE  
AND PARTICIPATE IN THE ADMINISTRATION OF THE  
SO-CALLED STAMP PLAN AND SCHOOL LUNCH  
PROGRAM OF THE FEDERAL GOVERNMENT.

*Be it enacted by the Senate and House of Representatives in  
General Court convened:*

**1. Powers and Duties of the Public Welfare Department.**

Amend section 6 of chapter 202 of the Laws of 1937 (section 6, chapter 126, commissioners' report) by adding after paragraph XII the following: XIII. May cooperate and participate in the administration of the stamp plan and school lunch program of the United States department of agriculture, or any agency thereof and, when in its judgment it appears to be for the best interest of the welfare of the people of the state, may enter into and execute all necessary agreements with the United States department of agriculture or any other agency of the federal government, in connection with its cooperation and participation in the administration of said stamp plan and school lunch program. The provisions of this paragraph shall, however, not be construed as affecting the present administration of direct relief by towns and counties. XIV. May, in carrying out the purposes set forth in the preceding paragraph, enter into agreements with the town or counties whereby eligible cases may participate in the stamp plan.

**2. Funds Provided.** Amend said chapter 202 (said chapter 126) by inserting after section 37 the following new section: 37-a. **Appropriation.** For the purpose of providing funds for the administration of the stamp plan and school lunch program in cooperation with the federal government there is hereby appropriated the sum of not exceeding one hundred thousand dollars to be used to set up a revolving fund, under the direction of the governor and council. The state treasurer, with the consent of the governor and council, may from time to time borrow upon the credit of the state money on short-term loans for the purpose of providing funds for said revolving fund, provided, however, that at no one time shall the indebtedness of the state on such short-term loans exceed the sum of one hundred thousand dollars.



**3. Takes Effect.** This act shall take effect upon its passage.

[Approved May 22, 1941.]

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## CHAPTER 126.

### AN ACT RELATIVE TO THE FISH AND GAME DEPARTMENT AND ACTIVITIES THEREOF.

*Be it enacted by the Senate and House of Representatives in  
General Court convened:*

**1. Powers of Conservation Officers.** Amend paragraph VI of section 18, chapter 196, Public Laws, (paragraph VI, section 18, chapter 231, commissioners' report) as inserted by section 1, chapter 123, Laws of 1935, by striking out the whole of said paragraph and inserting in place thereof the following: VI. To search without a warrant and examine in the field, in the highway or on the stream, any person, or any boat, conveyance, vehicle, game bag, game coat, creel, crate, box, locker, or other receptacle, in the presence of the owner if reasonably possible, or any so-called fish house or bob house, in the presence of the occupant, for fish, game, or fur-bearing animals, when he has reasonable cause to believe that any fish, game, or fur-bearing animals subject to forfeiture, are concealed thereon or therein.

**2. Taking Fish; Number of Lines.** Amend the definition of angling in section 1 of chapter 197, Public Laws, as inserted by section 1, chapter 124, Laws of 1935, (part of section 1, chapter 232, commissioners' report) by striking out the same and inserting in place thereof the following: Angling: The taking of fish by line in hand, or rod in hand to which is attached a cast of artificial flies, or an artificial bait, or one hook for bait. A person may have in use not more than one such line at one time except while fishing from a boat, canoe or other craft or through the ice, when two lines maybe used. Nothing in this title shall prohibit the use of a rod-holder in a boat.

**3. Definition of Fish.** Amend the definition of fish in section 1 of said chapter 197 by adding after the word "shad" in the seventh line the words cusk; minnow, so that said definition as amended shall read as follows: Fish: Charr,

commonly called brook trout; all species of trout, including lake trout, and the salmon family; muscallonge; pickerel, including the great northern pike, pond pickerel, grass pickerel, chain pickerel or banded pickerel; pike perch, including wall-eyed pike or yellow pike; white perch; yellow perch; black bass, including Oswego or large-mouthed bass, and small-mouthed bass; horned pout; shad; cusk; minnow; and smelt.

**4. Set Line Defined.** Amend said section 1 of said chapter 197 by adding after the definition of angling the following new definition: Set Line: A set line is an unattended line.

**5. Repeal.** The paragraph in said section 1 of said chapter 197 relative to definition of vermin is hereby repealed.

**6. Spruce Grouse.** Amend the definition of game birds in section 1 of said chapter 197, by adding after the word "partridge" in the first line the words, spruce grouse commonly called spruce partridge, so that said definition shall read as follows: Game Birds: Ruffed grouse or partridge, spruce grouse commonly called spruce partridge, woodcock, snipe, pheasant, quail, European partridge, chukar partridge, plover of all kinds, all shore birds, rail, coot, gallinule, ducks, brant and geese.

**7. Wild Animals Defined.** Amend said section 1 of said chapter 197 by adding after the definition of Wild Birds the following definition: Wild Animals: All animals other than domestic animals.

**8. Open Season.** Amend chapter 201 of the Public Laws, as inserted by chapter 169, Laws of 1939 (chapter 236, commissioners' report) by adding after section 31 the following new section: **31-a. Cusk.** Cusk of any size and in any quantity may be taken and possessed at any time, where fishing is permitted.

**9. Wild Deer.** Amend section 2, chapter 198, Public Laws, as inserted by section 2, chapter 124, Laws of 1935, and as amended by section 1, chapter 136, Laws of 1937 and chapter 95, Laws of 1939, (section 2, chapter 233, commissioners' report) by striking out the words "after six a. m. and before five p. m." and inserting in place thereof the words, from one-half hour before sunrise to one-half hour after sunset, so that said section as amended shall read as follows: **2. Taking, Time.** Wild deer, outside game preserves, may be

hunted and taken from one-half hour before sunrise to one-half hour after sunset in the counties of Carroll and Grafton from November first to December first, in that part of Coos county lying north of the main highway known as United States Route No. 2 from the Vermont boundary to the Maine boundary through the towns of Lancaster, Jefferson, Randolph, Gorham and Shelburne from October fifteenth to December first, in the remainder of Coos county from November first to December first, and in all other counties in the state from December first to December sixteenth, except that no deer shall be hunted or taken at any time on any island or in any waters in lakes and ponds.

**10. Hunting Deer.** Amend section 12 of chapter 198, Public Laws, as inserted by section 2, chapter 124, Laws of 1935 (section 13, chapter 233, commissioners' report) by striking out said section and inserting in place thereof the following: **12. By Nonresidents.** Each hunting license shall be provided with a coupon which shall be divided into two sections, 1 and 2. The holder of a nonresident license shall, upon killing his deer, fill out and attach to the carcass, by means of a string or wire, section 2 of the coupon, by inserting said string or wire through the part marked X on said coupon. Within ten days after the killing, he shall fill out and mail to the office of the director section 1 of the coupon. Section 2 shall remain attached to the deer, or carcass thereof, as long as said deer or carcass shall remain in the state, and the owner shall be entitled to transport the same or have it transported as provided in section 9 hereof.

**11. Prohibition.** Amend said chapter 198 by adding after section 12 the following new section: **12-a. Detaching Coupons.** No person shall detach any coupon from his hunting and fishing license until he has killed a deer. A person possessing a detached coupon with any perforation therein, during the open season on deer shall deliver the same to any conservation officer on request.

**12. Extending the Season.** Amend section 2, chapter 199, Public Laws, as inserted by chapter 124, Laws of 1935 (section 2, chapter 234, commissioners' report) by striking out said section and inserting in place thereof the following: **2. Pheasants.** Male pheasants may be taken and possessed except in the county of Coos from November first to November

sixteenth. No person shall take more than one male pheasant in one day nor more than four male pheasants in one season.

**13. Carroll County.** Amend section 1, chapter 200, Public Laws, as inserted by section 4, chapter 124, Laws of 1935, and as amended by section 1, chapter 52, Laws of 1937 (section 1, chapter 235, commissioners' report) by adding after the word "Coos" the word, Carroll, so that said section as amended shall read as follows: **1. Otter, Mink, etc.** Otter, mink, skunk, or muskrat may be taken and possessed from October twentieth to February first in the counties of Coos, Carroll and Grafton, and from November first to February first in all other counties.

**14. Trapping.** Amend section 7 of chapter 200, Public Laws, as inserted by section 4, chapter 124, Laws of 1935, and as amended by section 15, chapter 188, Laws of 1937 (section 13, chapter 235, commissioners' report) by striking out the word "before" where it occurs the second time in said section and inserting in place thereof the word, after, so that said section as amended shall read as follows: **7. Visiting.** A person shall visit his traps at least once in each calendar day but such visiting hours shall be between one-half hour before sunrise and one-half hour after sunset only.

**15. Methods of Taking Fish.** Amend section 34, chapter 201, Public Laws, as inserted by chapter 169, Laws of 1939 (section 34, chapter 236, commissioners' report) by adding after the word "diameter" in the third line the words, or a square net of equal area, so that said section as amended shall read as follows: **34. Nets; Traps.** A dip net held in hand may be used to assist in the taking of fish attached to a hook. A circular drop net, not more than forty-eight inches in diameter, or a square net of equal area, may be used for taking minnows for bait, from waters not inhabited by brook trout. Minnow traps may be set for taking minnows for bait, in waters inhabited by trout, provided that no such trap shall exceed eighteen inches in length, and that the aperture therein for the entrance of fish shall not exceed one inch in diameter.

**16. Night Fishing.** Amend section 31 of said chapter 201 by striking out the word "two" in the fourth line and inserting in place thereof the word, one, so that said section as amended shall read as follows: **31. Closed to.** No person

shall fish in the Androscoggin river from the head of Pontook Flowage at the foot of Mile and One-half Falls, so called, in the town of Dummer, to the foot of Errol dam during the period from one hour after sunset to one hour before sunrise.

**17. Fines and Costs.** Amend section 11 of chapter 203 of the Public Laws, as inserted by section 7, chapter 124, Laws of 1935 (section 12, chapter 238, commissioners' report) by striking out said section and inserting in place thereof the following: **11. Hunting, etc., After Revocation; Eligibility for License.** No person shall hunt, fish or trap in this state after the suspension or revocation of his license until the same has been restored by the director. No person shall be eligible to receive any license issued by the fish and game department if he is in arrears for any fines or costs for a violation of the laws relative to fish and game.

**18. Bounties.** Amend section 36, chapter 197, Public Laws, as inserted by section 1, chapter 124, Laws of 1935 (section 36, chapter 232, commissioners' report) by striking out said section and inserting in place thereof the following:

**36. Bobcats and Lynxes.** Any person who shall kill in this state any wild cat of the species known as bobcat, or lynx, may deliver the carcass thereof, in the same condition as when killed, to any conservation officer or the director, with a sworn statement that it was killed in this state within forty-eight hours, and giving the date and place of the killing thereof, and upon request, shall accompany the officer to the precise spot where the same was killed. Said fish and game officer shall thereupon report to the director, who, being satisfied that the same was killed in this state, shall certify the killing to the governor. The governor is hereby authorized to draw his warrant upon the fish and game fund for the payment of twenty dollars for each bobcat or lynx so killed, reported and certified. The ears of such animal shall be punched by said fish and game officer with a punch to be furnished to him for the purpose by the director. If the animal is a lynx, the carcass with the pelt thereon shall be returned to its killer. If the animal is a bobcat, the officer shall cause the skin to be removed from the carcass and shall forward the skin to the director. The director shall sell such skins and return all moneys received therefor to the state treasurer to be credited to the fish and game fund.

**19. Takes Effect.** The provisions of section 10 hereof shall take effect as of January 1, 1942, and all other provisions hereof shall take effect upon the passage of this act.

[Approved May 22, 1941.]

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## CHAPTER 127.

AN ACT RELATING TO THE POLL TAX OF SOLDIERS AND SAILORS.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1. Definitions.** The term "person in military service", as used in this act, shall include the following persons and no others: All members of the army of the United States, the United States navy, the marine corps, the coast guard, and all officers of the public health service detailed by proper authority for duty either with the army or the navy. The term "military service" as used in this act, shall signify federal service on active duty with any branch of service heretofore referred to or mentioned, as well as training or education under the supervision of the United States preliminary to induction into the military service. The terms "active service" or "active duty" shall include the period during which a person in military service is absent from duty on account of sickness, wounds, leave, or other lawful cause. The term "period of military service", as used in this act, shall include the time between the following dates: For persons in active service at the date of the approval of this act it shall begin with the date of approval of this act; for persons entering active service after the date of this act, with the date of entering active service. It shall terminate with the date of discharge from active service or death while in active service, but in no case later than the date when this act ceases to be in force.

**2. Poll Tax Exemption.** Any person in the military service shall be exempt from any poll, whether falling due prior to or during his period of military service.

**3. Takes Effect.** This act shall take effect upon its passage and remain in effect until May 15, 1945.

[Approved May 23, 1941.]

## CHAPTER 128.

## AN ACT RELATING TO WEARE RESERVOIR, DEERING LAKE AND TRICKLING FALLS RESERVOIR.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1. Exemption.** The New Hampshire water resources board is hereby exempted from the annual payments prescribed by section 12, chapter 121, Laws of 1935, on all real property and rights and easements therein acquired by the board for The State of New Hampshire in connection with and comprising the Weare Reservoir on the Piscataquog river in the towns of Weare and Deering, Deering lake on the Piscataquog river in the town of Deering, and Trickling Falls Reservoir on the Powwow river in the towns of Kingston and East Kingston; provided, however, if any revenues from the sale of stored water released from Weare Reservoir or Deering lake or Trickling Falls Reservoir shall hereafter accrue to the New Hampshire water resources board, such revenues shall be used so far as possible to make the annual payments which would be due under the provisions of section 12, chapter 121, Laws of 1935, but for the passage of this act.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved May 23, 1941.]

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CHAPTER 129.

## AN ACT RELATING TO THE CHALLENGE OF VOTERS.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1. Elections.** Amend sections 16 and 17 of chapter 33 of the Public Laws (sections 16 and 17, chapter 41, commissioners' report) by striking out said sections and inserting in place thereof the following: **16. Challenge of Voter.** Any voter, at any town-meeting, city election, primary or general election, may challenge any other voter offering to vote therein, and the moderator shall not receive the vote of the person so challenged until he shall subscribe, make and tender to the

clerk or moderator an affidavit in form and substance as follows: I, . . . . . , do solemnly swear (or affirm) that I am the identical person whom I represent myself to be; that I am a duly qualified voter of this town (or ward) and have a legal voting residence therein; and that I can read and write or was a legal voter of this state on January 1, 1904. So help me God. **17. Receiving Vote.** In case any voter so challenged shall not make and subscribe such affidavit, he shall be denied the right of voting at such town-meeting, city election, primary or general election, and any moderator who shall receive the vote of a voter so challenged and not making and subscribing such affidavit, shall be fined not more than one hundred dollars.

**2. Records of Challenges.** Amend section 19 of chapter 33 of the Public Laws (section 19, chapter 41, commissioners' report) by striking out said section and inserting in place thereof the following: **19. Affidavits Recorded.** The town and ward clerks of each town and city shall be provided by the secretary of state with blanks for making affidavits as required by section 16, and shall furnish the same to any voter on request therefor at any town-meeting, city election, primary or general election. The town and ward clerks shall record the name and residence of all voters making such affidavits, the name of the person challenging and the cause assigned therefor, and shall keep the affidavits on file for at least one year following the meeting or election at which such voter is challenged.

**3. Political Committees May Appoint.** Amend chapter 33 of the Public Laws (chapter 41, commissioners' report) by adding after section 19 the following new section: **19-a. Challengers.** The state committee of a political party may appoint a person to act as challenger of voters at any polling place in the state at a general election, and a city or town committee of such a party may appoint a person to act as such challenger at any polling place in such city or town at a town-meeting or city election. A statement signed by the chairman of the committee appointing him shall be sufficient evidence of the authority of any such challenger. He may be reasonably compensated for his services by the political party whose committee appointed him. He shall be assigned by the moderator or other election officer presiding at the polling



place to such position within the polling place as will enable him to see and hear each voter as he offers to vote. Nothing herein contained shall deprive any other person of the right to challenge a voter as provided by law.

**4. Repeal; Takes Effect.** This act shall apply to all cities, towns and polling places in the state; and all acts and parts of acts, special or general, inconsistent with this act are hereby repealed. This act shall take effect upon its passage.

[Approved May 27, 1941.]

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## CHAPTER 130.

### AN ACT RELATIVE TO THE TIME OF CLOSING THE POLLS.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1. Town Meetings.** Amend chapter 45 of the Public Laws (chapter 57, commissioners' report) by striking out section 2 thereof and inserting in place thereof the following: **2. Warrant.** The warrant for any town meeting shall be under the hands of the selectmen, and shall prescribe the place, day and hour of the meeting, and, if there is an election at said meeting, in which an official printed ballot containing more than one name is used, the warrant therefor shall prescribe the time the polls are to open and also an hour before which the polls may not close. A town meeting may vote to keep the polls open to a later hour but may not vote to close the polls at an earlier hour than that prescribed by the selectmen hereunder. The subject matter of all business to be acted upon at the town meeting shall be distinctly stated in the warrant, and nothing done at any meeting, except the election of any town officer required by law to be made at such meeting, shall be valid unless the subject thereof is so stated.

**2. Biennial Elections and Primaries.** Amend section 36 of chapter 26 of the Public Laws (section 36, chapter 34, commissioners' report) by striking out said section and inserting in place thereof the following: **36. Time Polls Open.** At all biennial elections and primaries in towns the polls shall be open not later than ten o'clock in the forenoon, and shall not be closed earlier than three o'clock in the afternoon. The selectmen, in the warrants for the biennial elections, and the

town clerk in the notices for primaries, may prescribe a time later than three o'clock in the afternoon before which the polls shall not close and if the selectmen, or town clerk, as herein provided, prescribe such a time the meeting may vote to keep the polls open to a later hour but may not vote to close the polls at an earlier hour than that so prescribed by the selectmen or town clerk.

**3. Takes Effect.** This act shall take effect upon its passage.

[Approved May 27, 1941.]

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## CHAPTER 131.

### AN ACT RELATIVE TO CARE OF DESERTED AND ABANDONED CEMETERIES.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1. Town Appropriations.** Amend chapter 55 of the Public Laws (chapter 68, commissioners' report) by adding after section 3 the following new section: **3-a. Uncared for Cemeteries.** Every town may raise and appropriate annually a sum, not to exceed three hundred dollars, to provide for the suitable care and maintenance of deserted and abandoned cemeteries within its confines which are not otherwise provided for. Such appropriation shall be expended under the direction of the selectmen of the town.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved May 27, 1941.]

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## CHAPTER 132.

### AN ACT RELATING TO THE ADMISSIBILITY OF EVIDENCE.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1. Amendment.** Amend section 28 of chapter 336 of the Public Laws (section 28 of chapter 382, commissioners' report) by striking out said section and inserting in place there-

of the following new section: **28. Exception.** If the court finds that injustice may be done without the testimony of the party, the court may, in its discretion, allow such party to testify.

**2. Application.** This act shall not apply to actions pending at the date of its passage.

**3. Takes Effect.** This act shall take effect upon its passage.

[Approved May 27, 1941.]

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## CHAPTER 133.

### AN ACT RELATING TO THE ELECTION OF REPRESENTATIVES TO THE GENERAL COURT.

*Be it enacted by the Senate and House of Representatives in  
General Court convened:*

**1. Amendment.** Amend chapter 32 of the Public Laws, as amended by chapter 145, Laws of 1931 (chapter 40, commissioners' report) by striking out the whole of sections 3 and 4 and inserting in place thereof the following: **3. Apportionment.** Until another general census of the state is taken and officially promulgated, the following named towns and wards may send representatives to the general court under the authority of the constitution, as follows:

One representative each from Allenstown, Alstead, Alton, Amherst, Andover, Antrim, Ashland, Auburn, Barnstead, Barrington, Bartlett, Bath, Bedford, Belmont, Bennington, Bethlehem, Boscawen, Bow, Bradford, Brentwood, Bristol, Campton, Canaan, Candia, Canterbury, Charlestown, Chester, Concord ward 2, Concord ward 3, Cornish, Dalton, Deerfield, Dover ward 5, Dublin, Durham, Enfield, Epping, Epsom, Fitzwilliam, Fremont, Gilford, Gilmanton, Greenland, Greenville, Hampstead, Hancock, Henniker, Hinsdale, Holderness, Hollis, Hopkinton, Jefferson, Kingston, Laconia ward 3, Lincoln, Londonderry, Loudon, Lyme, Marlborough, Merrimack, Milan, Milton, Moultonborough, New Boston, New Hampton, New Ipswich, New London, Newton, Northfield, North Hampton, Northwood, Orford, Ossipee, Pelham, Pittsburg, Plainfield, Plaistow, Portsmouth ward 5, Raymond, Rindge, Rochester

ward 1, Rochester ward 3, Rollinsford, Rumney, Rye, Sanborn-ton, Sandwich, Seabrook, Somersworth ward 1, Somersworth ward 2, Somersworth ward 3, Somersworth ward 5, Stewartstown, Strafford, Stratford, Stratham, Sunapee, Sutton, Tamworth, Tilton, Troy, Unity, Wakefield, Warner, Warren, Weare, Westmoreland, Windham, Woodstock.

Two representatives each from Colebrook, Concord ward 1, Concord ward 5, Concord ward 8, Concord ward 9, Dover ward 3, Franklin ward 1, Franklin ward 2, Franklin ward 3, Gorham, Hampton, Hillsborough, Hooksett, Jaffrey, Keene ward 2, Keene ward 3, Keene ward 4, Keene ward 5, Laconia ward 1, Laconia ward 2, Laconia ward 4, Laconia ward 5, Laconia ward 6, Lisbon, Meredith, Nashua ward 4, Nashua ward 9, Newmarket, Northumberland, Pembroke, Peterborough, Pittsfield, Plymouth, Portsmouth ward 3, Portsmouth ward 4, Rochester ward 2, Rochester ward 4, Rochester ward 5, Rochester ward 6, Somersworth ward 4, Swanzey, Walpole, Whitefield, Wilton, Winchester, Wolfeboro.

Three representatives each from Berlin ward 3, Concord ward 4, Conway, Dover ward 1, Dover ward 2, Dover ward 4, Farmington, Hanover, Haverhill, Hudson, Keene ward 1, Lancaster, Manchester ward 9, Manchester ward 14, Milford, Nashua ward 2, Nashua ward 3, Nashua ward 5, Nashua ward 6, Nashua ward 7, Portsmouth ward 1, Salem.

Four representatives each from Berlin ward 2, Berlin ward 4, Exeter, Goffstown, Littleton, Manchester ward 1, Manchester ward 4, Manchester ward 10, Manchester ward 11, Nashua ward 1, Newport, Portsmouth ward 2.

Five representatives each from Berlin ward 1, Concord ward 6, Concord ward 7, Derry, Manchester ward 2, Manchester ward 3, Manchester ward 7, Manchester ward 8, Manchester ward 12, Manchester ward 13, Nashua ward 8.

Six representatives each from Lebanon, Manchester ward 6.

Seven representatives from Manchester ward 5.

Ten representatives from Claremont.

4. ———, **Part Time.** The following named towns, not having six hundred inhabitants according to the census of 1940 and having a right under the constitution to elect a representative such proportional part of the time as the number of their inhabitants, according to such census, bears to six

hundred, may elect one representative in each of the years set opposite their names in the following list:

Brookline	1942	1944	1946	1948
Carroll	1942	1944	1948	1950
Chesterfield	1942	1944	1946	1948
Chichester	1942	1944	1946	1948
Columbia	1942	1944	1948	1950
Danbury	1942	1944	1946	1948
Dunbarton	1942	1944	1946	1948
Franconia	1942	1944	1946	1948
Gilsum	1942	1944	1948	1950
Grafton	1944	1946	1948	1950
Hampton Falls	1942	1944	1946	1948
Harrisville	1942	1944	1948	1950
Hill	1942	1944	1946	1948
Lee	1942	1944	1946	1948
Madison	1944	1946	1948	1950
Newbury	1942	1944	1946	1948
New Castle	1942	1944	1946	1948
Piermont	1942	1944	1946	1948
Thornton	1942	1944	1946	1948
Tuftonboro	1944	1946	1948	1950
Wentworth	1942	1944	1946	1948
Acworth	1942	1946	1950	
Alexandria	1942	1946	1950	
Atkinson	1942	1946	1950	
Danville	1942	1946	1950	
Deering	1942	1946	1950	
East Kingston	1942	1946	1950	
Effingham	1942	1946	1950	
Grantham	1942	1946	1950	
Greenfield	1942	1946	1950	
Jackson	1942	1946	1950	
Kensington	1942	1946	1950	
Landaff	1942	1946	1950	
Lyman	1942	1946	1950	
Lyndeborough	1942	1946	1950	
Madbury	1942	1946	1950	
Monroe	1942	1946	1950	
New Durham	1942	1946	1950	
Newfields	1942	1946	1950	

Newington	1942	1946	1950
Nottingham	1942	1946	1950
Salisbury	1942	1946	1950
Springfield	1942	1946	1950
Wilmot	1942	1946	1950
Benton	1944	1948	
Center Harbor	1944	1948	
Croydon	1944	1948	
Dummer	1944	1948	
Francestown	1944	1948	
Freedom	1944	1948	
Goshen	1944	1948	
Langdon	1944	1948	
Lempster	1944	1948	
Litchfield	1944	1948	
Marlow	1944	1948	
Mason	1944	1948	
Mont Vernon	1944	1948	
Nelson	1944	1948	
Richmond	1944	1948	
Sandown	1942	1948	
South Hampton	1944	1948	
Stark	1944	1948	
Sullivan	1944	1948	
Temple	1944	1948	
Washington	1944	1948	
Webster	1944	1948	
Albany	1946		
Bridgewater	1946		
Brookfield	1946		
Chatham	1946		
Clarksville	1946		
Dorchester	1946		
Easton	1946		
Eaton	1946		
Errol	1946		
Groton	1946		
Hebron	1946		
Middleton	1946		
Millsfield	1942		
Orange	1942		

Randolph	1950
Roxbury	1944
Sharon	1946
Shelburne	1946
Stoddard	1946
Surry	1946

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved May 27, 1941.]

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## CHAPTER 134.

### AN ACT RELATING TO SPECIAL MEETINGS OF COUNTY CONVENTIONS.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1. Special Meetings of County Conventions.** Amend section 15 of chapter 35 of the Public Laws, as amended by section 3, chapter 120 of the Laws of 1933 (section 17, chapter 45, commissioners' report) by striking out the whole of said section and inserting in place thereof the following: **15. How Called.** The chairman of the convention upon the written request of the county commissioners shall, and a majority of the members of the convention may, call a special meeting of the convention, to be held at any time except on a day on which there is a meeting of the house of representatives, and at any place in the county, by mailing a notice, stating the time, place and purpose of the meeting, to each member of the convention at least seven days before the day of meeting and by publishing a like notice at least seven days before the day of meeting in any newspaper of general circulation in the county.

**2. Meetings During Session.** Amend said chapter 35 by adding after section 17 the following: **17-a. Calling.** The chairman of the convention or a majority of the members of the convention may call a special meeting of the convention, to be held at any time on a day on which there is a meeting of the house of representatives, and at any place in the city or town in which such meeting of the house of representatives

is held, by causing a notice stating the time, place and purpose of the meeting to be read to the house of representatives not later than the day before the day of meeting. A copy of such notice with a notation that it was read shall be entered on the journal of the house of representatives and such entry shall be conclusive evidence of such reading.

**3. Takes Effect.** This act shall take effect upon its passage.

[Approved May 27, 1941.]

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## CHAPTER 135.

### AN ACT RELATIVE TO A COMPACT BETWEEN CERTAIN STATES TO PROMOTE THE BETTER UTILIZATION OF THE FISHERIES, MARINE, SHELL AND ANADROMOUS OF THE ATLANTIC SEABOARD.

*Be it enacted by the Senate and House of Representatives in  
General Court convened:*

**1. Compact.** The governor of this state is hereby authorized and directed to execute a compact on behalf of the state of New Hampshire with any one or more of the states of Maine, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Delaware, Maryland, Virginia, North Carolina, South Carolina, Georgia and Florida and with such other states as may enter into the compact, legally joining therein in the form substantially as follows:

#### **Atlantic States Marine Fisheries Compact**

The contracting states solemnly agree:

#### **ARTICLE I**

The purpose of this compact is to promote the better utilization of the fisheries, marine, shell and anadromous, of the Atlantic seaboard by the development of a joint program for the promotion and protection of such fisheries, and by the prevention of the physical waste of the fisheries from any cause. It is not the purpose of this compact to authorize the states joining herein to limit the production of fish or fish products for the purpose of establishing or fixing the price thereof, or creating and perpetuating monopoly.



## ARTICLE II

This agreement shall become operative immediately as to those states executing it whenever any two or more of the states of Maine, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Delaware, Maryland, Virginia, North Carolina, South Carolina, Georgia and Florida have executed it in the form that is in accordance with the laws of the executing state and the Congress has given its consent. Any state contiguous with any of the aforementioned states and riparian upon waters frequented by anadromous fish, flowing into waters under the jurisdiction of any of the aforementioned states, may become a party hereto as hereinafter provided.

## ARTICLE III

Each state joining herein shall appoint three representatives to a commission hereby constituted and designated as the Atlantic States Marine Fisheries Commission. One shall be the executive officer of the administrative agency of such state charged with the conservation of the fisheries resources to which this compact pertains or, if there be more than one officer or agency, the official of that state named by the governor thereof. The second shall be a member of the legislature of such state designated by the commission or committee on interstate cooperation of such state, or if there be none, or if said commission on interstate cooperation cannot constitutionally designate the said member, such legislator shall be designated by the governor thereof; provided, that if it is constitutionally impossible to appoint a legislator as a commissioner from such state, the second member shall be appointed by the governor of said state in his discretion. The third shall be a citizen who shall have a knowledge of and interest in the marine fisheries problem to be appointed by the governor. This commission shall be a body corporate with the powers and duties set forth herein.

## ARTICLE IV

The duty of the said commission shall be to make inquiry and ascertain from time to time such methods, practices, circumstances and conditions as may be disclosed for bringing about the conservation and the prevention of the depletion

and physical waste of the fisheries, marine, shell and anadromous, of the Atlantic seaboard. The commission shall have power to recommend the coordination of the exercise of the police powers of the several states within their respective jurisdictions to promote the preservation of those fisheries and their protection against overfishing, waste, depletion or any abuse whatsoever and to assure a continuing yield from the fisheries resources of the aforementioned states.

To that end the commission shall draft and, after consultation with the advisory committee hereinafter authorized, recommend to the governors and legislatures of the various signatory states legislation dealing with the conservation of the marine, shell and anadromous fisheries of the Atlantic seaboard. The commission shall, more than one month prior to any regular meeting of the legislature in any signatory state, present to the governor of the state its recommendations relating to enactments to be made by the legislature of that state in furthering the intents and purposes of this compact.

The commission shall consult with and advise the pertinent administrative agencies in the states party hereto with regard to problems connected with the fisheries and recommend the adoption of such regulations as it deems advisable.

The commission shall have power to recommend to the states party hereto the stocking of the waters of such states with fish and fish eggs or joint stocking by some or all of the states party hereto and when two or more of the states shall jointly stock waters the commission shall act as the coordinating agency for such stocking.

## ARTICLE V

The commission shall elect from its number a chairman and a vice chairman and shall appoint and at its pleasure remove or discharge such officers and employees as may be required to carry the provisions of this compact into effect and shall fix and determine their duties, qualifications and compensation. Said commission shall adopt rules and regulations for the conduct of its business. It may establish and maintain one or more offices for the transaction of its business and may meet at any time or place but must meet at least once a year.

## ARTICLE VI

No action shall be taken by the commission in regard to its general affairs except by the affirmative vote of a majority of the whole number of compacting states present at any meeting. No recommendation shall be made by the commission in regard to any species of fish except by the affirmative vote of a majority of the compacting states which have an interest in such species. The commission shall define what shall be an interest.

## ARTICLE VII

The fish and wildlife service of the department of the interior of the government of the United States shall act as the primary research agency of the Atlantic States Marine Fisheries Commission cooperating with the research agencies in each state for that purpose. Representatives of the said fish and wildlife service shall attend the meetings of the commission.

An advisory committee to be representative of the commercial fishermen and the salt water anglers and such other interests of each state as the commission deems advisable shall be established by the commission as soon as practicable for the purpose of advising the commission upon such recommendations as it may desire to make.

## ARTICLE VIII

When any state other than those named specifically in article II of this compact shall become a party thereto for the purpose of conserving its anadromous fish in accordance with the provisions of article II the participation of such state in the action of the commission shall be limited to such species of anadromous fish.

## ARTICLE IX

Nothing in this compact shall be construed to limit the powers of any signatory state or to repeal or prevent the enactment of any legislation or the enforcement of any requirement by any signatory state imposing additional conditions and restrictions to conserve its fisheries.

## ARTICLE X

Continued absence of representation or of any representative on the commission from any state party hereto shall be brought to the attention of the governor thereof.

## ARTICLE XI

The states party hereto agree to make annual appropriations to the support of the commission in proportion to the primary market value of the products of their fisheries, exclusive of cod and haddock, as recorded in the most recent published reports of the fish and wildlife service of the United States department of the interior, provided no state shall contribute less than two hundred dollars per annum and the annual contribution of each state above the minimum shall be figured to the nearest one hundred dollars.

The compacting states agree to appropriate initially the annual amounts scheduled below, which amounts are calculated in the manner set forth herein, on the basis of the catch record of 1938. Subsequent budgets shall be recommended by a majority of the commission and the cost thereof allocated equitably among the states in accordance with their respective interests and submitted to the compacting states.

## Schedule of Initial Annual State Contributions

Maine	\$700
New Hampshire	200
Massachusetts	2300
Rhode Island	300
Connecticut	400
New York	1300
New Jersey	800
Delaware	200
Maryland	700
Virginia	1300
North Carolina	600
South Carolina	200
Georgia	200
Florida	1500

## ARTICLE XII

This compact shall continue in force and remain binding upon each compacting state until renounced by it. Renunciation of this compact must be preceded by sending six months' notice in writing of intention to withdraw from the compact to the other states party hereto.

2. **Commission.** In pursuance of Article III of said compact there shall be three members, hereinafter called commissioners, of the Atlantic States Marine Fisheries Commission, hereinafter called commission, from the state of New Hampshire. The first commissioner from the state of New Hampshire shall be fish and game director, *ex officio*, and the term of any such *ex-officio* commissioner shall terminate at the time he ceases to hold said office of fish and game director and his successor as commissioner shall be his successor as such director. The second commissioner from the state of New Hampshire shall be a legislator and member of the commission on interstate cooperation of the state of New Hampshire, *ex officio*, designated by said commission on interstate cooperation, and the term of any such *ex-officio* commissioner shall terminate at the time he ceases to hold said legislative office or said office as commissioner on interstate cooperation, and his successor as commissioner shall be named in like manner. The governor, with the advice and consent of the council, shall appoint a citizen as a third commissioner who shall have a knowledge of and interest in the marine fisheries problem. The term of said commissioner shall be three years and he shall hold office until his successor shall be appointed and qualified. Vacancies occurring in the office of such commissioners from any reason or cause shall be filled by appointment by the governor with the advice and consent of the council for the unexpired term. The director of fish and game may delegate, from time to time to any assistant in his office the power to be present and participate, including voting, as his representative at any meeting of or hearing by or other proceeding of the commission. The terms of each of the initial three members shall begin at the date of the appointment of the appointive commissioner, provided the said compact shall then have gone into effect in accordance with article II of the compact; otherwise they shall begin upon the

date upon which said compact shall become effective in accordance with said article II.

Any commissioner may be removed from office by the governor upon charges and after a hearing.

**3. Powers and Duties.** There is hereby granted to the commission and the commissioners thereof all the powers provided for in the said compact and all the powers necessary or incidental to the carrying out of said compact in every particular. All officers of the state of New Hampshire are hereby authorized and directed to do all things falling within their respective provinces and jurisdiction necessary or incidental to the carrying out of said compact in every particular; it being hereby declared to be the policy of the state of New Hampshire to perform and carry out the said compact and to accomplish the purposes thereof. All officers, bureaus, departments and persons of and in the state government or administration of the state of New Hampshire are hereby authorized and directed at convenient times and upon request of the said commission to furnish the said commission with information and data possessed by them or any of them and to aid said commission by loan of personnel or other means lying within their legal rights respectively.

**4. Application of Laws.** Any powers herein granted to the commission shall be regarded as in aid of and supplemental to and in no case a limitation upon any of the powers vested in said commission by other laws of the state of New Hampshire or by the laws of the states of Maine, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Delaware, Maryland, Virginia, North Carolina, South Carolina, Georgia and Florida or by the Congress or the terms of said compact.

**5. Accounts; Reports.** The commission shall keep accurate accounts of all receipts and disbursements and shall report to the governor and the legislature of the state of New Hampshire biennially on or before the tenth day of December of the year prior to each session of the legislature, setting forth in detail the transactions conducted by it during the twenty-four months preceding December first of that year and shall make recommendations for any legislative action deemed by it advisable, including amendments to the statutes of the state of New Hampshire which may be necessary to carry out the

intent and purposes of the compact between the signatory states. The comptroller of the state of New Hampshire is hereby authorized and empowered from time to time to examine the accounts and books of the commission, including its receipts, disbursements and such other items referring to its financial standing as such comptroller may deem proper and to report the results of such examination to the governor of such state.

**6. Appropriation.** The sum of two hundred dollars for the fiscal year 1941-1942 and a like sum for the fiscal year 1942-1943, or so much thereof as may be necessary, is hereby appropriated for the purposes of expenses of the commission created by this act. The governor is hereby authorized to draw his warrant for said sums out of any money in the treasury not otherwise appropriated.

**7. Constitutionality.** If any provision of this act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.

**8. Takes Effect.** This act shall take effect upon its passage.

[Approved May 27, 1941.]

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## CHAPTER 136.

### AN ACT PROVIDING FOR PURCHASES FOR CITIES.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1. Authority of Purchasing Agent.** Amend section 11 of chapter 9 of the Public Laws (section 11, chapter 14, commissioners' report) by striking out said section and inserting in place thereof the following: **11. Purchases for Counties, Institutions and Cities.** He shall purchase all materials and supplies for county institutions, whenever the commissioners of any county desire to avail themselves of that privilege, and for the New Hampshire College of Agriculture and the Mechanic Arts, the University of New Hampshire and the Soldiers' Home, whenever the trustees thereof so desire, and

he may purchase any materials and supplies for any city, whenever the governing body thereof so desires and the purchasing agent can do so advantageously.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved May 28, 1941.]

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## CHAPTER 137.

### AN ACT RELATING TO TOWN OFFICES.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1. Town Offices.** Amend section 37, chapter 47 of the Public Laws (section 43, chapter 59, commissioners' report) by striking out said section and inserting in place thereof the following: **37. Incompatibility.** No person shall hold any two of the following-named town offices at the same time,—selectman, treasurer, collector of taxes, and auditor; no person shall at the same time hold the office of highway agent and selectman and no person shall at the same time hold the office as head of any police department, on full time duty, and selectman.

**2. Takes Effect.** This act shall take effect on the second Tuesday in March, 1942.

[Approved June 4, 1941.]

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## CHAPTER 138.

### AN ACT RELATIVE TO SERVICE OF PROCESS IN SMALL CLAIMS COURT.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1. Litigation of Small Claims.** Amend section 6, chapter 179, Laws of 1939 (chapter 368, commissioners' report) by striking out said section and inserting in place thereof the following: **6. Notice to Defendant.** The justice shall cause notice of the claim and the substance thereof to be given to the defendant by sending a written statement to the defend-



ant by postpaid registered mail addressed to the defendant at his last known post office address and directing the defendant to appear at the time and place of hearing, which shall be not less than fourteen days from the date said notice is mailed to the defendant. Return receipt showing that defendant has received the statement shall constitute an essential part of the service. If service cannot be effected by registered mail as aforesaid, then the court may direct that service on the defendant be completed as in all other actions at law.

**2. Change in Amount of Entry Fee.** Amend section 3 of chapter 179 of the Laws of 1939 (section 3, chapter 368, commissioners' report) by inserting after the word "seventy" in the sixth line the word, one, so that said section as amended shall read as follows: **3. Process.** A plaintiff or his authorized attorney hereunder shall state the substance of his claim to the justice or clerk of the municipal court having jurisdiction thereof who shall briefly record the nature of the claim and set a date for hearing. The plaintiff or his authorized attorney shall at the same time pay an entry fee of one dollar and seventy-one cents.

**3. Amount to Justice.** Amend section 4 of said chapter 179 (section 4 of chapter 368, commissioners' report) by striking out said section and inserting in place thereof the following: **4. Disposition of Fees.** Of the amount of the entry fee the justice shall be allowed the sum of one dollar for his services, twenty-one cents to be used for postage for notice to the defendant, twenty-five cents for the use of the town in which the court is established and twenty-five cents for the clerk of the court, provided that in towns where there is no clerk of the municipal court in addition to the one dollar the justice shall be allowed twenty-five cents for his services as such clerk.

**4. Takes Effect.** This act shall take effect July 1, 1941.

[Approved June 4, 1941.]

**CHAPTER 139.****AN ACT RELATIVE TO ADJUSTMENT OF CERTAIN INHERITANCE TAXES BY COMPROMISE.**

*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1. Taxation of Legacies and Successions.** Amend chapter 72 of the Public Laws (chapter 87, commissioners' report) by inserting after section 64 the following new section: **64-a. Dispute as to Domicile.** Where the state treasurer claims that a decedent was an inhabitant in this state at the time of his death and the taxing authorities of another state or states make a similar claim with respect to their state or states, the state treasurer, with the approval of the assistant attorney general, may enter into a written agreement with such taxing officials and with the executor or administrator that a certain sum shall be accepted in full payment of the tax, together with interest and penalties, imposed by this chapter, provided that said agreement also fixes the amount to be paid to such other state or states in full payment of the legacy and succession taxes thereof. Full power and authority is hereby conferred upon the executor or administrator to enter into the agreement provided for herein. Upon the filing of such agreement or duplicate thereof with the probate court which would have jurisdiction over the estate if said decedent had died an inhabitant of this state, an order fixing the tax shall be made in accordance with such agreement, and such order shall finally and conclusively fix and determine the amount of tax imposed by this chapter. The provisions of this section shall apply only to cases in which all the states involved have substantially similar laws.

**2. Estate Taxes.** Amend section 12 of chapter 72-A of the Public Laws, as inserted by chapter 125, Laws of 1931 (chapter 88, commissioners' report) by adding after the word "Laws," in the second line the words, and any amendments thereto, so that said section as amended shall read as follows: **12. Provisions Applicable.** The provisions of chapter 72 of the Public Laws, and any amendments thereto relating to the tax on legacies and successions, shall apply to the taxes imposed by this act in so far as the same are applicable and not in conflict with the provisions hereof.

**3. Takes Effect.** This act shall take effect upon its passage and shall apply to estates of decedents dying before or after the enactment hereof.

[Approved June 4, 1941.]

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## CHAPTER 140.

### AN ACT DEFINING A PRESCRIPTION.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1. Definitions.** Amend chapter 210, section 1 of the Public Laws (chapter 247, section 1 of the commissioners' report) by adding after the last paragraph in said section the following new paragraph: XIII. Prescription means an order for drugs, medicines and devices, written by a legally competent practitioner of medicine, dentistry, or veterinary medicine, to be compounded and dispensed by a registered pharmacist in a duly registered pharmacy, and to be kept on file for a period of two years. Term prescriptions may apply to the finished products dispensed by the registered pharmacist in the registered pharmacy, on order of a legally competent practitioner as previously defined.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved June 4, 1941.]

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## CHAPTER 141.

### AN ACT RELATING TO THE REPORTING OF THE EXPENSES OF THE JUSTICES OF THE SUPERIOR COURT.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1. Justices, Superior Court.** Amend section 5, chapter 316, Public Laws, as amended by chapter 57, Laws of 1927 and chapter 159, Laws of 1929 (section 5, chapter 360, commissioners' report) by adding at the end thereof the following words: Each justice of the superior court shall forward his monthly expense account directly to the comptroller who

shall prepare the manifest for payment of said accounts, so that said section as amended shall read as follows: **5. Salaries; Expenses.** The annual salary of the chief justice and the associate justices of the superior court shall be seven thousand dollars each. Actual expenses and office rent shall be allowed the justices as provided for justices of the supreme court. Each justice of the superior court shall forward his monthly expense account directly to the comptroller who shall prepare the manifest for payment of said accounts.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved June 4, 1941.]

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## CHAPTER 142.

### AN ACT RELATING TO THE TRANSPORTATION OF EXPLOSIVES.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1. Transportation of Explosives.** Amend chapter 103 of the Public Laws by adding after section 34, as inserted by section 1, chapter 72, Laws of 1935 (section 47, chapter 119, commissioners' report) the following new section: **35. Transportation of Explosives.** Any person operating any motor vehicle transporting any explosives as a cargo or part of a cargo upon a public highway shall at all times comply with the following provisions:

**I. DAYLIGHT TRANSPORTATION.** Explosives, when possible, shall be transported during daylight. When artificial lights are necessary, only electric lights or electric lanterns may be used.

**II. BLASTING CAPS.** Detonators, blasting caps or other dangerous devices used to set off dynamite and other explosives shall not be carried in the same vehicle with said explosives.

**III. MARKING.** Said vehicle when operated from one-half hour before sunrise to one-half hour after sunset shall be marked or placarded on each side and the rear with the word "Explosives" in letters not less than three inches high, on a background of sharply contrasting color, and there shall be displayed on the rear of such vehicle a red flag not less than

twenty-four inches square marked with the word "Danger" in white letters six inches high with a one inch stroke.

IV. FIRE PRECAUTIONS. No person while on or near any motor vehicle containing any explosive shall smoke, carry matches or any other flame-producing device, firearms, or loaded cartridges. Motor vehicles transporting any explosive must not pass fires of any kind burning on or near the public highway, unless after proper investigation it is found to be safe. Every said vehicle shall be equipped with not less than two fire extinguishers, filled and ready for immediate use, and placed at a convenient point on the vehicle so used.

V. LOADING AND UNLOADING. Explosives for transportation must be loaded into and transported in the body only of the motor vehicles. Motor vehicles must not be loaded with explosives beyond their manufacturer's rated carrying capacities. Packages of explosives must not be placed where they are likely to fall off motor vehicles; tail boards must be closed and securely fastened during transportation; and the sides and ends of open-bodied vehicles must also be high enough to prevent any such package from falling off motor vehicles. Bale hooks or metal tools must not be used for loading, unloading or other handling of explosives. Motor vehicles with an open body must have explosives loaded therein completely covered with tarpaulin to protect them from the weather and from fire or sparks. Before any explosive is loaded into or unloaded from any motor vehicle the engine of the motor vehicle must be stopped and the brakes set.

VI. LEAVING DRIVER'S SEAT. No driver of any motor vehicle containing any explosive shall leave the driver's seat until the motor of the vehicle is stopped and the brakes are set.

VII. STOPS AT CROSSINGS. Motor vehicles transporting any explosive must come to a full stop before crossing any railroad track at grade, and must not cross the track until it is definitely known that the way is clear, and that no train, engine, motor, or car is approaching. Such motor vehicles must also come to a full stop before crossing any main public highway, and must then proceed with caution.

VIII. DISABLED VEHICLES. Said vehicle in compliance with chapter 103, section 16-c of the Public Laws shall display two electric flares.

IX. TRAILERS. No explosives may be transported in any trailer, nor shall any trailer be attached to any motor vehicle transporting any explosive.

X. CONGESTION AVOIDED; PARKING. In transporting by motor vehicle any explosive all congested thoroughfares, places where crowds are assembled, street car tracks, tunnels, viaducts, and dangerous crossings should be avoided as much as possible. No motor vehicle transporting any explosive shall be parked on any public street adjacent to or in close proximity to any dwelling or building or place where persons work, congregate, or assemble. This does not apply to persons assisting in the loading or unloading of any motor vehicle.

XI. ADDITIONAL REGULATIONS. The commissioner is hereby authorized and directed to promulgate such additional regulations governing the transportation of explosives and other dangerous articles by motor vehicles upon the highways as he shall deem advisable for the protection of the public.

2. **Definition.** Amend section 1, chapter 99 of the Public Laws (chapter 114, commissioners' report) by inserting after paragraph XXIX, as inserted by section 1, chapter 111, Laws of 1941, the following new paragraph: XXX. "Explosives" means any chemical compound or mechanical mixture that is commonly used or intended for the purpose of producing an explosion and which contains any oxidizing and combustible units or other ingredients in such proportions, quantities, or packing that on ignition by fire, by friction, by concussion, by percussion, or by detonation of any part of the compound or mixture may cause such a sudden generation of highly heated gases that the resultant gaseous pressures are capable of producing destructive effects on contiguous objects or of destroying life or limb, but shall not include petroleum products, turpentine, acetone, ethyl, ether and benzol.

3. **Application of Laws.** Whenever the provisions of this act or any regulations promulgated by the commissioner of motor vehicles (under authority hereof), relative to transportation of explosives, shall differ or be inconsistent with the provisions of, or regulations promulgated by local officials under chapter 148 of the Public Laws, the provisions hereof and regulations hereunder shall control.

**4. Exceptions.** Nothing in this act shall be construed as affecting the transportation of military or naval forces or their equipment by the federal or the state government. Fixed ammunition for small arms, firecrackers or matches shall not be held to be explosives when the individual units contain any of the above-mentioned articles in such limited quantity or of such nature and in such packing that it is impossible to produce an explosion of such units to the injury of life, limb or property.

**5. Takes Effect.** This act shall take effect upon its passage.

[Approved June 4, 1941.]

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## CHAPTER 143.

### AN ACT RELATIVE TO TERMS OF COURT FOR THE COUNTY OF CARROLL.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1. Terms of Superior Court for Carroll County.** Amend the paragraph relative to the terms of the superior court for the county of Carroll, being a part of section 1 of chapter 318 of the Public Laws, as amended by section 1, chapter 158, Laws of 1929, and section 1, chapter 121, Laws of 1933 (section 1, chapter 362, commissioners' report) by striking out the words "second Tuesday of November" and inserting in place thereof the words, third Tuesday of October, so that said paragraph as amended shall read as follows: For the county of Carroll: At Ossipee on the third Tuesday of May and the third Tuesday of October.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved June 4, 1941.]

## CHAPTER 144.

AN ACT RELATIVE TO DESTRUCTION OF CERTAIN RECORDS IN THE  
DEPARTMENT OF THE STATE BOARD OF HEALTH.

*Be it enacted by the Senate and House of Representatives in  
General Court convened:*

1. **State Board of Health.** Amend chapter 125 of the Public Laws (chapter 145, commissioners' report) by inserting after section 8 the following new section: 8-a. **Destruction of Certain Records.** The state board of health may destroy, at the end of ten years from the date of filing, reports, records and other documents in its office which in its opinion are no longer of any value to the state, provided that records relative to births, marriages, divorces, deaths, lunacy, feeble-minded and tuberculosis shall not be destroyed under the provisions hereof.

2. **Takes Effect.** This act shall take effect upon its passage.

[Approved June 4, 1941.]

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## CHAPTER 145.

AN ACT PROVIDING FOR AIRPORT ZONING.

*Be it enacted by the Senate and House of Representatives in  
General Court convened:*

1. **Definitions.** As used in this act, unless the context otherwise requires:

I. "Airport" means any area of land or water designed for the landing and taking-off of aircraft and utilized or to be utilized by the public as a point of arrival or departure by air.

II. "Airport hazard" means any structure or tree which obstructs the aerial approaches of a publicly-owned airport.

III. An airport is "publicly-owned" if the portion thereof used for the landing and taking-off of aircraft is owned by a governmental body, political subdivision, public agency, or other public corporation.

IV.\* "Director" means the state director of aeronautics.

V. "Person" means any individual, firm, co-partnership, corporation, company, association, joint stock association or

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\* Amended by section 40, chapter 199, *post*.



body politic, and includes any trustee, receiver, assignee, or other similar representative thereof.

VI. "Structure" means any object constructed or installed by man, including such objects although regulated or licensed by other provisions of law.

VII. "Tree" means any object of natural growth.

**2. Airport Hazards Not in Public Interest.** It is hereby found and declared that an airport hazard endangers the lives and property of users of the airport and of occupants of land in its vicinity, and also, if of the obstruction type, in effect reduces the size of the area available for the landing, taking-off and maneuvering of aircraft, thus tending to destroy or impair the utility of the airport and the public investment therein, and is therefore not in the interest of the public health, public safety, or general welfare.

**3. Preparation of Airport Approach Plans.** The director is hereby empowered and directed to formulate and adopt, and from time to time as may be necessary revise, an airport approach plan for each publicly-owned airport in the state. Each such plan shall indicate the circumstances in which structures and trees are or would be airport hazards, the area within which measures for the protection of the airport's aerial approaches should be taken, and what the height limits and other objectives of such measures should be. In adopting or revising any such plan, the director shall consider, among other things, the character of the flying operations expected to be conducted at the airport, the nature of the terrain, the height of existing structures and trees above the level of the airport, and the practicability of lowering or removing existing obstructions, and all other material matters, and the director may obtain and consider the views of the agency of the federal government charged with the fostering of civil aeronautics, as to the aerial approaches necessary to safe flying operations at the airport.

**4. Adoption of Airport Zoning Regulations.**

I. Every town having within its territorial limits an area within which, according to an airport approach plan adopted by the director, measures should be taken for the protection of airport approaches, shall adopt, administer, and enforce, under the police power and in the manner and upon the

conditions hereinafter prescribed, airport zoning regulations applicable to such area, which regulations shall divide the area into zones, and, within such zones, specify the land uses permitted, and regulate and restrict the height to which structures and trees may be erected or allowed to grow, as may be necessary to effectuate the director's approach plan for the airport.

II. In the event that a town has adopted, or hereafter adopts, a general zoning ordinance regulating, among other things, the height of buildings, any airport zoning regulations adopted for the same area or portion thereof under this act, may be incorporated in and made a part of such general zoning regulations, and be administered and enforced in connection therewith, but such general zoning regulations shall not limit the effectiveness or scope of the regulations adopted under this act.

III. Any zoning or other regulations applicable to any area within which, according to an airport approach plan adopted by the director, measures should be taken for the protection of airport approaches, including not only any airport zoning regulations adopted under this act but any zoning or other regulations dealing with the same or similar matters, that have been or may be adopted under authority other than that conferred by this act, shall be consistent with, and conform to, the director's approach plan for such area, and shall be amended from time to time as may be necessary to conform to any revision of the plan that may be made by the director.

IV. All airport zoning regulations adopted under this act shall be reasonable, and none shall require the removal, lowering, or other change or alteration of any structure or tree not conforming to the regulations when adopted or amended, or otherwise interfere with the continuance of any non-conforming use, except as provided in paragraph I of section 5.

V. If any city or town fails to adopt within a reasonable time airport zoning regulations the director may, for the protection of the public safety, adopt and from time to time as may be necessary amend or repeal such regulations for such city or town until airport zoning regulations herein provided for are adopted by such city or town.

## 5. Permits and Variances.

I. PERMITS. Where advisable to facilitate the enforcement of zoning regulations adopted pursuant to this act, a system may be established for granting permits to establish or construct new structures and other uses and to replace existing structures and other uses or make substantial changes therein or substantial repairs thereof. In any event, before any non-conforming structure or tree may be replaced, substantially altered or repaired, rebuilt, allowed to grow higher, or replanted, a permit must be secured from the administrative agency authorized to administer and enforce the regulations, authorizing such replacement, change or repair. No such permit shall be granted that would allow the structure or tree in question to be made higher or become a greater hazard to air navigation than it was when the applicable regulation was adopted; and whenever the administrative agency determines that a non-conforming structure or tree has been abandoned or more than eighty per cent torn down, destroyed, deteriorated, or decayed: (a) no permit shall be granted that would allow said structure or tree to exceed the applicable height limit or otherwise deviate from the zoning regulations but a permit shall be issued as of right if the structure as erected or altered is in conformance with the regulations or will not constitute a greater hazard than the structure that is replaced or altered; and (b) whether application is made for a permit under this paragraph or not, the said agency may by appropriate action compel the owner of the non-conforming structure or tree to lower, remove, reconstruct, or equip such object as may be necessary to conform to the regulations. Except as indicated, all applications for permits for replacement, change or repair of non-conforming uses shall be granted.

II. VARIANCES. Any person desiring to erect any structure, or increase the height of any structure, or permit the growth of any tree, or otherwise use his property, in violation of airport zoning regulations adopted under this act, may apply to the board of appeals, as provided herein, for a variance from the zoning regulations in question. Such variances shall be allowed where a literal application or enforcement of the regulations would result in practical difficulty or unnecessary hardship and the relief granted would not be

contrary to the public interest but do substantial justice and be in accordance with the spirit of the regulations.

III. OBSTRUCTION MARKING AND LIGHTING. In granting any permit or variance under this section, the administrative agency or board of appeals may, if it deems such action advisable to effectuate the purposes of this act and reasonable in the circumstances, so condition such permit or variance as to require the owner of the structure or tree in question to permit the political subdivision, at its own expense, to install, operate, and maintain suitable obstruction markers and obstruction lights thereon.

#### 6. Procedure.

I. ADOPTION OF ZONING REGULATIONS. No airport zoning regulations shall be adopted, amended, or changed under this act except by action of the legislative body of the town in question, after a public hearing in relation thereto, at which parties in interest and citizens shall have an opportunity to be heard. At least fifteen days' notice of the hearing shall be published in an official paper, or a paper of general circulation, in the political subdivision.

II. ADMINISTRATION OF ZONING REGULATIONS; ADMINISTRATIVE AGENCY. The legislative body of any town adopting airport zoning regulations under this act may delegate the duty of administering and enforcing such regulations to any administrative agency under its jurisdiction, but such administrative agency shall not be or include any member of the board of appeals. The duties of such administrative agency shall include that of hearing and deciding all permits under paragraph I of section 5, but such agency shall not have or exercise any of the powers delegated to the board of appeals.

III. BOARD OF APPEALS. Airport zoning regulations adopted under this act shall provide for appointment of a board of appeals to have and exercise the following powers:

(a) To hear and decide appeals from any order, requirement, decision, or determination made by the administrative agency in the enforcement of this act or of any ordinance adopted pursuant thereto;

(b) To hear and decide special exceptions to the terms of the ordinance upon which such board may be required to pass under such ordinance;

(c) To hear and decide specific variances under paragraph II of section 5.

Where a zoning board of adjustment already exists, it may be appointed as the board of appeals. Otherwise, the board of appeals shall consist of five members, each to be appointed for a term of three years and to be removable for cause by the appointing authority upon written charges and after public hearing.

**7. Applications of Laws.** The powers and duties of the board of adjustment as set forth in sections 56 to 65 of chapter 42 of the Public Laws, inclusive, as amended by section 2, chapter 36 of the Laws of 1933, shall apply to the board of appeals hereunder and the procedure for appeals as set forth in said sections shall be applicable to appeals under the provisions hereof.

**8. Enforcement and Remedies.** Each violation of this act or of any regulation, order, or ruling promulgated or made pursuant to this act, shall constitute a misdemeanor and shall be punishable by a fine of not more than twenty-five dollars or imprisonment for not more than sixty days or by both such fine and imprisonment, and each day a violation continues to exist shall constitute a separate offense. In addition, either the town within which the property is located or the director may institute in any court of competent jurisdiction, an action to prevent, restrain, correct or abate any violation of this act, or of airport zoning regulations adopted under this act, or of any order or ruling made in connection with their administration or enforcement, and the court shall adjudge to the plaintiff such relief, by way of injunction (which may be mandatory) or otherwise, as may be proper under all the facts and circumstances of the case, in order fully to effectuate the purpose of this act and of the regulations adopted and orders and rulings made pursuant thereto.

**9. Acquisition of Air Rights.** In any case in which: (1) it is desired to remove, lower, or otherwise terminate a non-conforming use; or (2) the approach protection necessary according to the director's airport approach plan cannot, because of constitutional limitations, be provided by airport zoning regulations under this act; or (3) it appears advisable that the necessary approach protection be provided by acquisition of property rights rather than by airport zoning regulations, the town within which the property or non-conforming use is located, the town owning the airport or served

by it, or the governor and council, upon recommendation of the director, may acquire, by purchase, grant, or condemnation in the manner provided by law by which towns or the governor and council are authorized to acquire real property for public purposes, such an air right, easement, or other estate or interest in the property or non-conforming use in question, and so may acquire a substitute property, structure and easement and convey the same to anyone whose structures, easements and property are or may be a non-conforming use, as may be necessary to effectuate the purposes of this act.

**10. Severability.** If any provision of this act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the valid provision or application, and to this end the provisions of this act are declared to be severable.

**11. Short Title.** This act shall be known and may be cited as the "Model Airport Zoning Act".

**12. Time of Taking Effect.** This act shall take effect upon its passage.

[Approved June 4, 1941.]

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## CHAPTER 146.

AN ACT CREATING A COMMISSION TO STUDY THE ELECTION LAWS.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1. Organization.** There is hereby created an interim commission on election laws consisting of five members to be appointed by the governor with the advice and consent of the council. No more than three of said members shall belong to the same political party, and the chairman of said commission shall be designated by the governor. Vacancies shall be filled in the same manner as the original appointments. It shall be the duty of the commission to investigate, study and examine the existing primary and election laws, the laws relating to the registration of voters, and the operation of such laws, and to recommend such changes and revision of said laws as appear desirable. The report of the commission shall be filed

with the secretary of state prior to the biennial legislative session of 1943 and such distribution of said report shall be made as the governor may order. The authority of the commission shall terminate upon the filing of said report. The members of the commission shall serve without pay but shall be allowed actual expenses incurred in the performance of their duties.

**2. Appropriation.** There is hereby appropriated for the purposes hereof the sum of five hundred dollars or so much thereof as may be necessary and the governor is hereby authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

**3. Takes Effect.** This act shall take effect upon its passage.

[Approved June 5, 1941.]

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## CHAPTER 147.

### AN ACT RELATING TO THE DISCONTINUANCE OF RAILROAD SERVICE.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1. Powers of Public Service Commission.** Amend chapter 238 of the Public Laws (chapter 278, commissioners' report) by inserting after section 22 the following new section: **22-a. Railroads, Service.** No railroad shall discontinue or curtail any part of its service to the public afforded by its regular passenger trains or at its stations without notice to the commission and such notice to the public as the commission may direct. Upon complaint, or upon its own motion, the commission may investigate the reasonableness of the proposed change in service and, after hearing, may determine whether the proposed change in service is consistent with the public good, and may by order prescribe the service which shall thereafter be rendered. If the commission so directs, no change in the service rendered by the railroad shall be made pending the decision of the commission in any such proceedings; provided, however, that such obligation to continue the service shall be operative for a period not exceeding sixty

days after the close of such hearings as may be held by the commission.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved June 5, 1941.]

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## CHAPTER 148.

### AN ACT CONFERRING AUTHORITY UPON THE PUBLIC SERVICE COMMISSION TO ESTABLISH TEMPORARY RATES.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1. Temporary Rates.** In any proceeding involving the rates of a public utility brought either upon motion of the public service commission or upon complaint, the commission may, after reasonable notice and hearing, if it be of the opinion that the public interest so requires, immediately fix, determine, and prescribe for the duration of said proceeding, reasonable temporary rates; provided however that such temporary rates shall be sufficient to yield not less than a reasonable return on the cost of the property of the utility used and useful in the public service less accrued depreciation, as shown by the reports of the utility filed with the commission.

**2. Adjustment.** Temporary rates so fixed, determined, and prescribed under this act shall be effective until the final determination of the rate proceeding, unless terminated sooner by the commission. In every proceeding in which temporary rates are fixed, determined, and prescribed under this act, the commission shall consider the effect of such rates in fixing, determining, and prescribing rates to be thereafter demanded or received by such public utility on final determination of the rate proceeding. If, upon final disposition of the issues involved in such proceeding, the rates as finally determined, are in excess of the rates prescribed in such temporary order, then such public utility shall be permitted to amortize and recover, by means of a temporary increase over and above the rates finally determined, such sum as shall represent the difference between the gross income obtained from the rates prescribed in such temporary order and the



gross income which would have been obtained under the rates finally determined if applied during the period such temporary order was in effect.

**3. Appeals.** Procedure to be followed in connection with appeals shall be in accordance with Public Laws, chapter 239 and amendments thereto.

**4. Takes Effect.** This act shall take effect upon its passage.

[Approved June 5, 1941.]

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## CHAPTER 149.

AN ACT RELATIVE TO THE SALARY OF THE SECRETARY OF THE  
STATE BOARD OF HEALTH.

*Be it enacted by the Senate and House of Representatives in  
General Court convened:*

**1. Secretary of State Board of Health.** Amend section 12 of chapter 125 of the Public Laws (section 13, chapter 145, commissioners' report) by striking out said section and inserting in place thereof the following: **12. Salary.** The salary of the secretary shall be four thousand dollars a year. Notwithstanding the provisions of any other law said secretary shall not be entitled to any other state compensation for official duties as such secretary or for duties in connection with the board of registration in medicine or any other state board of which he may be an appointive or *ex-officio* member.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved June 5, 1941.]

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## CHAPTER 150.

AN ACT ABOLISHING CAUSES OF ACTION FOR BREACH OF CONTRACT  
TO MARRY.

*Be it enacted by the Senate and House of Representatives in  
General Court convened:*

**1. Limitation of Actions.** Amend chapter 329 of the Public Laws (chapter 375, commissioners' report) by adding at the end thereof the following new section: **11. Breach of**

**Contract to Marry.** Breach of contract to marry shall not constitute an injury or wrong recognized by law, and no action, suit, or proceeding shall be maintained therefor.

**2. Takes Effect; Application.** This act shall take effect October 1, 1941, but shall not affect any action to recover damages for breach of contract to marry which shall have been commenced prior to said date, nor shall it affect any other cause of action to recover damages as aforesaid which shall have accrued prior to said date if action to recover the same is commenced prior to the expiration of ninety days after said date, nor shall it affect any cause of action accruing on or after said date to recover damages for breach of any contract to marry entered into prior to said date if action to recover the same is commenced prior to the expiration of ninety days after the accrual of the cause of action.

[Approved June 5, 1941.]

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## CHAPTER 151.

### AN ACT RELATING TO THE PRACTICE OF DENTISTRY.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1. Dentistry.** Amend section 18, chapter 205, Public Laws (section 17, chapter 242, commissioners' report) by adding at the end thereof the following: or a general hospital and under the supervision of a registered dentist, so that said section as amended shall read as follows: **18. Practice.** A person shall be regarded as practicing dentistry within the meaning of this chapter who shall treat or profess to treat any of the diseases or lesions of human teeth or jaws, or extract human teeth, or shall prepare or fill cavities in human teeth, or correct the malposition of human teeth, or supply artificial teeth as substitutes for natural human teeth, or administer anaesthetics or use or prescribe drugs and other remedies in connection with any such work; provided, that nothing herein shall prevent regularly licensed physicians or surgeons from extracting human teeth or administering anaesthetics, or using or prescribing drugs and other remedies; nor shall it prevent students from performing dental operations under the supervision of competent in-

structors within a dental school, college or dental department of a university recognized by said board or a general hospital and under the supervision of a registered dentist.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved June 5, 1941.]

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## CHAPTER 152.

### AN ACT RELATIVE TO PAYMENT OF FINES AND COSTS IN MOTOR VEHICLE VIOLATIONS, AND CERTAIN OTHER VIOLATIONS OF LAW.

*Be it enacted by the Senate and House of Representatives in  
General Court convened:*

**1. Municipal Courts.** Amend section 11 of chapter 134 of the Laws of 1937, as amended by chapter 198, Laws of 1939 (section 10, chapter 144, commissioners' report) by striking out said section and inserting in place thereof the following:

**11. Disposition of Rewards.** Any fee for the performance of an act in line of duty or reward for the apprehension or the conviction of any person, or for the recovery of any property, received by or payable to any employee, shall be paid by him to the commissioner of motor vehicles who shall immediately forward the same to the state treasurer. All fines and costs assessed against any violator of law apprehended or prosecuted by a police employee, except such as may be assessed against persons committing or attempting to commit a felony and except such costs as may be assessed under section 20, chapter 322 of the Public Laws, shall be sent, except as hereinafter provided, by the court collecting the same from such law violator, to the commissioner of motor vehicles within five days from their payment, and by him immediately paid into the state treasury. The commissioner of motor vehicles shall forward to the superintendent such information as he may direct relative to said fees, fines and costs. In case of fines collected hereunder by a municipal court which would under the provisions hereof be payable to the commissioner of motor vehicles the municipal court shall, before forwarding, deduct therefrom ten per cent of said fines and shall forward the same to the town treasurer of the town

wherein said court is located. The sums so paid into the town treasury shall be used for expenses of the municipal court and any balance thereof shall be for the use of the town.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved June 6, 1941.]

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## CHAPTER 153.

### AN ACT RELATING TO THE NOMINATION OF CANDIDATES BY PETITION.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1. Elections.** Amend section 57, chapter 25 of the Public Laws (section 61, chapter 33, commissioners' report) by striking out the entire section and inserting in place thereof the following: **57. Nomination Papers.** The nomination of a candidate may be made by petition, styled nomination papers. Such papers shall contain the name and residence of the candidate, the office for which he is nominated, the political party or principles he represents, and shall be signed by such persons only as are qualified to vote at the election of the candidates named in the petition. No voter shall sign more than one nomination paper for each officer to be voted for, and no nomination paper shall contain the names of more candidates than there are offices to be filled. Each voter shall sign an individual petition and directly above the place for signature of the voter there shall appear in heavy black type, the following affidavit: I do solemnly affirm under the penalties of perjury that I have read this petition or that it has been read to me, and that I understand the contents thereof. The signature of the voter to such petition and affidavit shall have the same effect as if the affidavit had been made in the presence of an officer authorized to administer oaths.

**2. Duty of Supervisors.** Amend section 58 of chapter 25 of the Public Laws (section 62, chapter 33, commissioners' report) by striking out the entire section and inserting in place thereof the following: **58. Certification.** Each nomination paper shall be submitted to a majority of the supervisors of the check-list of the town or ward in which the

signer resides, and they shall certify whether or not the signer is a legal voter in said town or ward.

**3. Takes Effect.** This act shall take effect upon its passage.

[Approved June 6, 1941.]

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## CHAPTER 154.

### AN ACT RELATING TO MUNICIPAL FINANCES.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1. Temporary Provisions.** Every municipality which has at the time when this act takes effect outstanding notes payable on demand, overdue notes issued in anticipation of taxes, or which has used the principal of trust funds and has not restored the same, may provide for the payment of such notes and for the restoration of such trust funds in whole or in part in the tax levy of 1941 and 1942, and shall borrow not exceeding in the aggregate the amount, if any, required for paying the balance of such notes and restoring the balance of such trust funds, and issue bonds or notes therefor payable serially in the manner provided in chapter 59 of the Public Laws covering a period not exceeding fifteen years from the date of issue. With money so provided said notes shall be paid and said trust funds restored in 1941 or 1942.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved June 10, 1941.]

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## CHAPTER 155.

### AN ACT RELATIVE TO PARI MUTUEL POOLS.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1. Extension of Act.** Amend section 14, chapter 27, Laws of 1935, as amended by section 1, chapter 15, Laws of 1939 (section 15, chapter 168, commissioners' report) by striking out said section and inserting in place thereof the following:

**14. Pari Mutuel Pools.** Within the enclosure of any race track where is held a race or race meet licensed and conducted under this chapter, but not elsewhere, the sale of pari mutuel pools by the licensee under such regulations as may be prescribed by said commission is hereby permitted and authorized during the calendar years 1941 to 1944, inclusive. Commissions on such pools shall in no event and at no track exceed eleven per cent of each dollar wagered, plus the odd cents of all redistribution to be based on each dollar wagered exceeding a sum equal to the next lowest multiple of ten, known as "breakage" one half of which breakage shall be retained by the licensee and the balance shall be paid to the state treasurer for the use of the state in accordance with the provisions of section 2. Said maximum shall include the four and one-half per cent tax hereinafter prescribed.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved June 10, 1941.]

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## CHAPTER 156.

AN ACT RELATIVE TO THE SERVICE OF PROCESS AGAINST MOTOR  
VEHICLE OPERATORS.

*Be it enacted by the Senate and House of Representatives in  
General Court convened:*

**1. Motor Vehicle Operators.** Amend section 33, chapter 100, Public Laws, as amended by section 1, chapter 73, Laws of 1929, section 2, chapter 104, Laws of 1933, (section 42, chapter 116, commissioners' report) by adding thereto the following: In the event that the notice and copy of the process are not delivered to the defendant the superior court may order such additional notice, if any, as justice may require; so that said section as amended shall read as follows:

**42. [33] Service of Process.** Service of such process shall be made by leaving a copy thereof with a fee of two dollars in the hands of the commissioner or in his office, and such service shall be sufficient, provided that notice thereof and a copy of the process are forthwith sent by registered mail by the plaintiff or his attorney to the defendant, and the defendant's return receipt and the affidavit of the plaintiff or

his attorney of compliance therewith are appended to the writ and entered therewith. In the event that the notice and copy of the process are not delivered to the defendant the superior court may order such additional notice, if any, as justice may require.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved June 10, 1941.]

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## CHAPTER 157.

### AN ACT RELATING TO SERVICE EXEMPTIONS.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1. Taxation.** Amend section 26, chapter 60, Public Laws (section 28, chapter 73, commissioners' report) by striking out said section and inserting in place thereof the following:

**26. Service Exemption.** Every soldier, sailor or marine who is a resident of this state and who served for thirty days or more in any war in which the United States has been engaged and received an honorable discharge from the service of the United States in such war, and the wife or widow of any such soldier, sailor or marine, in consideration or recognition of such service, shall be exempt each year from taxation upon his taxable property to the value of one thousand dollars; provided that before April fifteenth of each year he shall file with the selectmen or assessors his application therefor, under oath, on blanks prescribed by the state tax commission, showing that he and his wife do not own property, exclusive of any *bona fide* encumbrances thereon, to the value of five thousand dollars. In case such soldier, sailor or marine shall satisfy the selectmen or assessors that he was prevented from filing said statement through accident, mistake or misfortune, said selectmen or assessors may receive such statement at a later date and grant an exemption thereunder. In case such soldier, sailor or marine shall own taxable property in more than one town he shall take his exemption first in the town where he resides. If he does not own one thousand dollars in value of taxable property in the town where he resides, he

shall be entitled to take the balance of such exemption in any other town in the state where he owns taxable property.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved June 10, 1941.]

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## CHAPTER 158.

### AN ACT RELATING TO WORKMEN'S COMPENSATION.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1. Workmen's Compensation.** Amend section 13 of chapter 178 of the Public Laws, as amended by chapter 40 of the Laws of 1933 (section 14, chapter 209, commissioners' report) by striking out the word "thirty" and inserting in place thereof the word, sixty, so that said section as amended shall read as follows: **13. Remedial Care.** During the first sixty days after an injury to an employee, an employer who has accepted the compensation provisions of this chapter shall furnish to the employee, or cause to be furnished, free of charge, reasonable medical and hospital services or other remedial care when needed, unless the injured employee shall decline or refuse to allow them to be furnished. Such aid shall not be considered under the provisions of section 22.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved June 10, 1941.]

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## CHAPTER 159.

### AN ACT PROHIBITING CERTAIN EMPLOYMENT OF ELECTED CITY OFFICIALS.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1. City Officials.** Amend chapter 54 of the Public Laws (chapter 66, commissioners' report) by inserting after section 2 the following new section: **2-a. Prohibition.** No publicly elected official of a city, except school district officers, who as such official is authorized to appropriate or expend



public funds shall be employed during the term for which he is elected by any department, board or commission of the city in any other capacity or in any other position of employment where compensation is allowed, except as justice or clerk of the municipal court; provided that in case any city charter, at the time this act takes effect, provides specifically that certain elected officials may be employed in other specified employments, or positions, contrary to the provisions of this section, the provisions of said charter shall prevail. Upon the acceptance of any such prohibited employment by a publicly elected official, as prohibited herein, the elective office shall forthwith become vacant and shall be filled as provided by law.

**2. Saving Clause.** This act shall not affect any present publicly elected city official until the term of office for which such official has been elected expires.

**3. Takes Effect.** This act shall take effect upon its passage.

[Approved June 10, 1941.]

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## CHAPTER 160.

### AN ACT RELATING TO THE SUPERVISION OF NAVIGATION.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1. Supervision of Navigation.** Amend chapter 151, Public Laws, as amended by chapters 6, 84 and 111 of the Laws of 1929, chapters 29, 93 and 147 of the Laws of 1931, chapters 30, 71 and 72 of the Laws of 1933, sections 2 and 2-a, chapter 115, Laws of 1935, chapter 120, Laws of 1937 and chapter 121, Laws of 1939 (chapter 177, commissioners' report) by striking out said chapter and inserting in place thereof the following new chapter:

## CHAPTER 151

**1. Declaration of Policy.** In the interest of public safety and the protection of property, it shall be the duty of the public service commission, in all cases not provided for by the United States inspection laws and in all cases where inspections are not regularly made thereunder, to provide for

the inspection on any public waters of the state of all commercial and private boats and the machinery, appliances and equipment thereof, such inspections to be performed by the commission or its duly authorized representative. The commission shall also supervise the safety of navigation and the establishment of aids to navigation, and all lights and buoys maintained at public expense on the inland waters of the state shall be under the jurisdiction of the commission. The commission shall make such alterations and improvements in existing lights and buoys as may be desirable, place additional lights and buoys where required to promote the safety of navigation, remove obstructions tending to impede navigation, and maintain all lights and buoys under its jurisdiction.

**2. Definitions and Classifications.** The following words and phrases as used in this act shall have the following meanings, unless the context clearly requires otherwise:

I. The term "commission" means the public service commission.

II. The term "person" means any individual, firm, co-partnership, corporation, company, association or joint-stock association, including any trustee, administrator, executor, receiver, assignee or other personal representative thereof.

III. The term "common carrier" means any person who undertakes, directly, or by his agent or under a lease or any other arrangement, to transport passengers or property on the public waters of the state operating on a regular schedule, for compensation.

For the purpose of this act, boats shall be classified in accordance with the following definitions:

IV. The term "commercial boat" shall mean any boat used as a common carrier of passengers or property operating on a regular schedule, any boat propelled by electric or mechanical power carrying passengers or property for hire, or any such boat or outboard motor when rented either separately or in connection with camps, cottages, or other real estate, and any such boat or outboard motor used by the proprietor of any school or camp in which minors are received for compensation, or by any officer, agent, or employee of such proprietor, for the transportation of minors.

V. The term "private boat" shall mean any boat, not a commercial boat, propelled by electric or mechanical power

used exclusively for pleasure purposes by its owner, or others with his permission.

VI. The term "manufacturer or dealer" shall mean any person engaged in the business of manufacturing or dealing in boats or outboard motors.

**3. Registration.** No person shall operate upon any of the waters of the state, except tidal waters, a commercial or private boat unless said boat has been registered as provided herein. In case of boats propelled by outboard motors the motor itself shall be registered and not the boat. The presence of an outboard motor in condition for operation, attached to a hull afloat on the public waters of the state, shall be *prima facie* evidence that such boat or motor requires registration. No boat or outboard motor brought into the state for the purpose of taking part in a race, which has not been within the state in excess of ten days, shall be required to be registered as provided herein if the commission shall have issued a special authorization permitting it to be used for racing purposes. No such racing permit shall be for a period longer than ten days from the time said boat or motor is brought into the state.

**4. Application.** Every person owning any commercial or private boat shall annually, before operating the same, apply in writing to the commission for registration thereof. Such application may be made to a duly authorized representative of the commission or by mail addressed to the commission, and shall be in such form and contain such information as the commission may require. In the case of private boats the proper fee shall accompany the application. In the case of commercial boats the proper fee shall be paid at the time of inspection. Such fees shall be paid before the issuance of a certificate and number plate.

**5. Fees.** The commission shall collect fees as follows:

I. **COMMERCIAL BOATS.** There shall be paid to the commission for every such boat inspected, as to which a certificate is given by said commission, a fee based upon the following schedule: Boats used for passengers only, or for passengers and freight, permitted to carry a maximum of not exceeding ten persons, six dollars for the first boat and four dollars for each additional boat belonging to the same owner and kept at the same place; boats permitted to carry a maximum of more

than ten and not exceeding twenty-five persons, eleven dollars for the first boat and four dollars for each additional boat belonging to the same owner and kept at the same place; boats permitted to carry a maximum of more than twenty-five and not exceeding one hundred and fifty persons, sixteen dollars for the first boat and six dollars for each additional boat belonging to the same owner and kept at the same place; boats permitted to carry over one hundred and fifty persons, twenty-six dollars for the first boat and six dollars for each additional boat belonging to the same owner and kept at the same place; boats used exclusively for towing freight, eleven dollars.

II. OPERATORS' LICENSES. There shall be paid to the commission for every general certificate of captain, master, pilot or engineer, two dollars; and for every limited certificate of captain, master, pilot or engineer, one dollar. A general certificate shall entitle the holder thereof to act in the capacity named on any boat of the class described in the certificate; a limited certificate shall entitle him to act in such capacity only on a particular boat named in the certificate. Only one certificate shall be required to entitle the holder thereof to act in any or all the above capacities on any motor boat permitted to carry a maximum of twenty-five persons.

III. PRIVATE BOATS. There shall be paid to the commission for each private boat three dollars.

IV. DEALER'S REGISTRATIONS. There shall be paid to the commission by a manufacturer or dealer for a registration certificate, as provided by section 19, five dollars. Those requiring more than one number plate shall pay to the commission three dollars for each additional plate.

6. **Disposition of Revenues.** All fees and fines collected hereunder shall be made available to the commission for the promotion of the safety of navigation and the administration and enforcement of this act.

7. **Common Carriers, Applications, Orders.** No person shall engage in the business of operating a boat as a common carrier of passengers or property operating on a regular route and schedule between points on the public waters of the state unless upon order of the commission authorizing such operations; provided however, that if he or his predecessor in interest was engaged in *bona fide* operation as a common carrier on September 1, 1940, the commission shall issue such order

without requiring further proof that the public convenience and necessity will be served by such operation, and without further proceeding, if application for such order is made to the commission on or before September 1, 1941. Application for authorization required herein shall be made in writing to the commission and shall contain such information as the commission shall require. A commission order will issue to any qualified applicant therefor, authorizing the whole or any part of the operations covered by the application, if it is found that the applicant is fit, willing and able properly to perform the service proposed and to conform to the provisions of this act and the rules and regulations issued by the commission thereunder, and that the proposed service is or will be required by the present or future public convenience and necessity; otherwise such application shall be denied.

**8. Rates, Charges, Schedules.** Every common carrier by water shall establish and charge just and reasonable rates for the transportation of passengers or property on the public waters of the state. Such rates, tariffs, together with a schedule of the service offered shall be published, filed with the commission and kept open to public inspection, and no common carrier shall demand or collect or receive a greater or less or different compensation for transportation than the rates specified in the tariff in effect at the time. Any person, organization, or body politic may make complaint in writing to the commission that any rate, fare, or charge in effect or proposed to be put in effect, is or will be unjust or unreasonable. Whenever, after hearing, upon complaint or in an investigation on its own initiative, the commission shall be of the opinion that any rate, fare, or charge in effect or proposed to be put in effect is unjust or unreasonable, the commission shall determine and prescribe the lawful rate, fare, or charge thereafter to be observed.

**9. Reports, Accounts, Records.** The commission is hereby authorized to require annual reports from all common carriers by water, to prescribe the manner and form in which such reports shall be made, and to require from such carriers specific answers to all questions upon which the commission may deem information to be necessary. The commission may, in its discretion, prescribe the forms of any and all accounts, records and memoranda to be kept by such carriers and the

length of time that such accounts, records and memoranda shall be preserved, including those of the movement of traffic as well as of the receipts and expenditures of money. The commission or its duly authorized representatives shall at all reasonable times have access to all accounts and records, including all documents, papers and correspondence now or hereafter existing, and kept or required to be kept by common carriers by water subject to this act.

**10. Regulations.** Consistent with the policy of this act, the commission may from time to time make rules and regulations relative to the equipment and operation of all boats, including rafts and floats, of whatever kind, type or character, operated or used on any public waters in this state, and the classification, examination and certification of captains, masters, engineers, and pilots of all such boats. Such rules and regulations shall be binding on the persons owning, leasing, or operating such boats, rafts and floats. It shall be the duty of the commission to enforce the provisions of this act and the rules and regulations issued thereunder, and in such enforcement the commission and its duly authorized representatives shall have all the powers of a deputy sheriff in any county of the state.

**11. Commercial Boats, Penalty.** The commission, after hearing, may revoke or suspend the certificate of any captain, master, pilot or engineer of any commercial boat for violation of any section of this act or the rules and regulations prescribed thereunder. Any person who shall use any commercial boat or outboard motor on any public waters in this state without a certificate of inspection, or shall act as captain, master, pilot, engineer or operator on any such boat or launch without having been examined and certified in that capacity, or shall so act when his certificate has been revoked or suspended, or who shall violate any rule or regulation prescribed by the commission with reference to the inspection, equipment, or operation of such boats or launches, shall be fined not more than five hundred dollars, or imprisoned not more than one year, or both.

**12. Expiration of Licenses, etc.** All licenses and certificates issued hereunder shall expire with December thirty-first next following the date of issuance.

**13. Plates, Certificates.** Each boat registered by the commission shall be given a distinguishing number. A plate bearing the number shall be furnished the boat owner and be attached to the boat in such manner as the commission shall prescribe. The commission shall issue to the boat owner a certificate that the boat has been legally registered. Such certificate shall at all times be kept upon said boat while in operation, and upon request shall be open to examination by any duly authorized representative of the commission.

**14. Revocation of Registration.** The commission, after hearing, may revoke the registration of any boat or outboard motor issued pursuant to the provisions of this act for violation of any section of this act or the rules and regulations hereunder prescribed by the commission, or whenever it shall appear upon complaint of the selectmen or any tax collector of any town that the owner has failed, after demand, to pay any property tax upon the same which shall be due the town.

**15. Transfer of Registration.** Upon the change of ownership of a boat of the classes hereinbefore described or of an outboard motor, the registration certificate and number plate may be transferred to such new owner. The person in whose name said boat or outboard motor is registered shall return the certificate of registration forthwith to the commission with a written notice containing the date of such transfer of ownership and the name, residence and address of the new owner. A fee of one dollar shall be paid to the commission for such transfer.

**16. Penalty.** If any person shall operate any boat required to be registered hereunder without registration, or shall violate any rule or regulation prescribed by the commission relating to the equipment or operation of such boats, or shall refuse or fail when requested to exhibit to any duly authorized representative of the commission the certificate of registration of such boat, he, and the owner of said boat if the same is operated with his permission or assent, shall be fined not more than one hundred dollars, or imprisoned not more than one year, or both.

**17. Agent's Liability.** If any such boat is owned by a corporation, sentence may also be imposed upon any officer or agent of said corporation having the custody and control of

said boat and committing, or permitting or assenting to the violation of section 16 hereof.

**18. Dealer's Registration.** A manufacturer or dealer of boats and outboard motors may make application to the commission, upon blanks furnished by it for that purpose, for a general distinguishing number plate for his boats and motors.

**19. Dealer's Registration Certificate and Number Plates.** The commission may, if it is satisfied of the facts stated in the application, issue to the applicant for a dealer's registration a certificate containing the name, residence, and address of such applicant and the general distinguishing number assigned together with such other provisions as the commission may determine. All such boats and outboard motors owned or kept for sale by such manufacturer or dealer, may, while so owned or kept, be regarded as registered under such distinguishing number, provided the number plate issued by the commission be attached thereto. The commission shall, at the time of issuing a certificate to a manufacturer or dealer, furnish him with a number plate of such design and color as it may determine, and such further number plates and temporary certificates as he may require.

**20. Use of Dealers' Number Plates.** A manufacturer or dealer shall not loan number plates which have been assigned to him hereunder to a sub-agent or to any other person. Such plates may be used on boats and motors when used in connection with said manufacturer's or dealer's business or for pleasure purposes, but in no case shall they be used on boats carrying persons or property for hire or compensation.

**21. Temporary Registration.** A person upon purchasing a private boat or outboard motor from a duly registered manufacturer or dealer shall immediately apply for registration of such boat or motor and pay the required registration fee to said manufacturer or dealer. Upon receipt of such application and fee the dealer or manufacturer may issue to the purchaser a receipt for such payment and a temporary certificate or plate. If a plate is issued it shall be attached to said boat or motor. Said dealer or manufacturer shall immediately forward the application and fee to the commission by mail or otherwise and furnish such further information as the commission may require with respect thereto. The temporary certificate or plate shall be evidence that application has been



made for registration and such boat or motor may be operated for a period of not more than four consecutive days thereafter. Permanent number plates when received shall be attached immediately by the purchaser.

**22. Suspension of Dealer's Registration.** The commission shall have authority to suspend or revoke the registration of any manufacturer or dealer who violates any of the provisions of sections 19 to 21. Any manufacturer or dealer who violates any of said provisions shall be fined not more than one hundred dollars or imprisoned not more than one year, or both.

**23. Muffling Devices.** It shall be unlawful to use within the jurisdiction of this state a boat propelled, in whole or in part, by gas, gasoline or naphtha, unless the same is provided with an under-water exhaust or other muffling device so constructed and used as to muffle the noise of the explosion. Boats operating in a race under the auspices of a recognized boat club shall not be subject to this restriction, provided such club shall have obtained special license to hold such race from the commission.

**24. Injuring Buoys, Obstructions.** If any person shall wilfully remove, destroy or injure any buoy, beacon, floating guide or other light placed in any of the public waters of the state for the purpose of guiding and protecting navigation and boating thereon, or shall moor or make fast thereto any vessel, boat, scow or raft, or shall wilfully place an obstruction dangerous to navigation in any of the navigable waters of the state without reasonable precaution to protect the public from such obstruction, he shall be fined not more than one hundred dollars, or imprisoned not more than one year, or both.

**25. Boat Racing.** No commercial boat, private boat or sail boat shall race with another such boat over a predetermined course on any of the public waters of the state unless the course is laid out and marked in a manner satisfactory to the commission and said race is held under a permit issued by said commission to a recognized sponsoring organization stating the date and place of the race.

**26. Prohibition.** While motor boats are racing on a course as described in section 25, no aircraft in landing or taking off from the water and no boat however propelled shall traverse or cross said course within one half mile of an approaching

boat, except in an emergency or when engaged in the common carriage of passengers or freight operating on a regular schedule.

**27. Separability of Provisions.** If any provision of this act, or the application thereof to any person, commerce, or circumstance, is held invalid, the remainder of this act and the application of such provisions to other persons, or commerce, or circumstances, shall not be affected thereby.

**2. Repeal.** Section 10, chapter 152, Public Laws (section 10, chapter 178, commissioners' report); section 38, chapter 380, Public Laws (section 37, chapter 432, commissioners' report) and chapter 108, Laws of 1933 are hereby repealed.

**3. Takes Effect.** This act shall take effect July 1, 1941.

[Approved June 10, 1941.]

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## CHAPTER 161.

AN ACT PROVIDING FOR THE IMPROVEMENTS AT RYE HARBOR.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1. Improvements at Rye Harbor.** Amend section 1 of chapter 218 of the Laws of 1939 by striking out the following words "provided a grant is made by the federal government or any agency thereof in connection therewith," so that said section 1 shall read as follows: **1. Appropriation.** There is hereby appropriated a sum not exceeding one hundred thousand dollars for the purpose of developing and improvement of Rye Harbor.

**2. Conditions.** Amend said chapter 218 by striking out section 2 and inserting in place thereof the following: **2. Expenditure.** The appropriation made by section 1 shall be expended by the highway department, under the direction of the governor and council for the purpose of (1) improvement of the area between the present location of the Ocean Boulevard at Rye Harbor and its proposed new location, and (2) for dredging and improvement of Rye Harbor and no funds shall be expended for the second purpose until the improvement provided for by (1) has been completed, except to the extent that both (1) and (2) may be accomplished together through dredging of Rye Harbor. The appropriation made

by section 1 shall not be available unless and until the town of Rye appropriates the sum of ten thousand dollars for improvements and dredging at Rye Harbor.

**3. Payment of Bond Issue.** Amend said chapter 218 by inserting after section 6 the following new section: **6-a. Continuance of Tolls on Hampton Harbor Toll Bridge.** Tolls shall be collected upon the reconstructed Hampton Harbor toll bridge, as provided by sections 6 and 8 of chapter 159 of the Laws of 1933, as amended by chapter 50 of the Laws of 1935, and as further amended by section 4 of an act\* passed at the present session of the general court, entitled "An Act relating to the reconstruction of a toll bridge at Hampton Harbor," until the state shall have been reimbursed as to principal and interest for all sums that may be appropriated and spent under the provisions of this chapter 218. The charge against said tolls hereby provided shall be in addition to that provided in the above mentioned acts.

**4. Takes Effect.** This act shall take effect upon its passage.

[Approved June 10, 1941.]

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## CHAPTER 162.

AN ACT RELATING TO BEDDING AND UPHOLSTERED FURNITURE.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1. Manufacture and Sale of Bedding, Pillows, Upholstered Furniture, etc.** Amend section 58, chapter 162, Public Laws (section 58, chapter 189, commissioners' report) by striking out the whole of said section and inserting in place thereof the following: **58. Labels; Use of Undisinfected Second Hand Materials Prohibited.** No person shall manufacture for purposes of sale, sell, offer or expose for sale, or have in possession with intent to sell, any mattress, pillow, cushion, muff bed, quilt, upholstered furniture or similar article having a filling of hair, down, feathers, wool, cotton, kapok or other material, unless there is plainly marked upon each such article, or upon a tag of some durable substance sewed there-

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\* See chapter 87, *ante*.

on, or otherwise securely attached thereto, a statement of the kind of material used for filling in the manufacture of such article, the name of the manufacturer or vendor, and also, if the material has been previously used, the words, second hand. Provided, that no second hand materials, the use of which is not prohibited under section 61 hereof and which may be deemed by the state board of health suitable for re-use, shall be used unless the same have been disinfected by a method or methods approved by the said board.

**2. Sale or Distribution of Undisinfected Second Hand Material Prohibited.** Amend section 62 of chapter 162 of the Public Laws (section 62, chapter 189, commissioners' report) by striking out the whole of said section and inserting in place thereof the following: **62. Labeling Material.** No person engaged in the business of selling any hair, down, feathers, wool, cotton, kapok or other materials commonly used for filling such articles, shall ship any box, crate, package or other container in which is placed any such hair or other such material unless there is attached thereto a tag containing a statement of the contents of the package together with the name of the vendor, and, if the material has been used before, with the words, second hand. Provided, that no person shall ship, sell or use for the purposes named in this subdivision any second hand materials, not being prohibited under section 61 hereof and deemed by the state board of health suitable for re-use, which have not been disinfected by a method or methods approved by the said board.

**3. Takes Effect.** This act shall take effect upon its passage.

[Approved June 10, 1941.]

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## CHAPTER 163.

### AN ACT RELATING TO ARRESTS.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1. Definitions.** As used in this act:

"Arrest" is the taking of a person into custody in order that he may be forthcoming to answer for the commission of a crime.

"Felony" is any crime that may be punished by death or imprisonment in the state prison. Other crimes are "misdemeanors."

"Peace officer" is any sheriff or deputy sheriff, mayor or city marshal, constable, police officer or watchman, or other person authorized to make arrests in a criminal case.

## **2. Questioning and Detaining Suspects.**

(a) A peace officer may stop any person abroad whom he has reason to suspect is committing, has committed or is about to commit a crime, and may demand of him his name, address, business abroad and whither he is going.

(b) Any person questioned as provided in subsection (a) who fails to identify himself and explain his actions to the satisfaction of the peace officer stopping him may be detained and further questioned and investigated.

(c) In no case shall the total period of detention provided for by subsections (a) and (b) exceed four hours. Such detention shall not constitute an arrest and shall not be recorded as such in any official record. At the end of any such detention period the person so detained shall be released unless arrested and charged with a crime.

**3. Searching for Weapons.** A peace officer may search for a dangerous weapon any person whom he is questioning or about to question as provided in section 2, whenever he reasonably believes that he might be in danger if such person possessed a dangerous weapon. If the officer finds a weapon, he may take and keep it until the completion of the questioning, when he shall either return it or arrest the person.

## **4. Arrest; Permissible Force.**

(a) No unnecessary or unreasonable force or means of restraint may be used in detaining or arresting any person.

(b) A peace officer is justified in using force dangerous to human life in making an arrest only when:

(1) The arrest is lawful,

(2) The arrest is on a charge of felony,

(3) There is no other apparently possible means of effecting the arrest, and

(4) The officer has made every reasonably possible effort to advise the person to be arrested that he is a peace officer and is attempting to make an arrest and has reasonable ground to believe that the person is aware of the fact.

**5. Resisting Arrest.** If a person has reasonable ground to believe that he is being arrested and that the arrest is being made by a peace officer, it is his duty to submit to arrest and refrain from using force or any weapon in resisting it regardless of whether there is a legal basis for the arrest.

**6. Arrest Without a Warrant.**

(a) An arrest by a peace officer without a warrant on a charge of misdemeanor is lawful whenever he has reasonable ground to believe that the person to be arrested has committed a misdemeanor in his presence.

(b) An arrest by a peace officer without a warrant on a charge of felony is lawful whenever:

(1) A felony has actually been committed by the person arrested, regardless of the reasons which led the officer to make the arrest.

(2) The officer has reasonable ground to believe that the person arrested has committed a felony.

**7. Arrest on Improper Grounds.** If a lawful cause of arrest exists, the arrest will be lawful even though the officer charged the wrong offense or gave a reason that did not justify the arrest.

**8. Arrest by Virtue of a Warrant Not in Officer's Possession.** An arrest by a peace officer acting under a warrant is lawful even though the officer does not have the warrant in his possession at the time of the arrest, but, if the person arrested so requests, the warrant shall be shown to him as soon as practicable.

**9. Summons Instead of Arrest.** In any case in which it is lawful for a peace officer to arrest without a warrant a person for a misdemeanor, he may instead issue to him a summons in substantially the following form:

**The State of New Hampshire**

To .....

You are hereby notified to appear before the municipal court of the town (city) of ....., in the State of New Hampshire, to be holden on the.....day of ..... 19 ..... at ..... o'clock in the forenoon (afternoon) to answer to a complaint (to be filed in said court) charging you with..... in violation of the laws of the State of New Hampshire.

Hereof fail not, as you will answer your default under the penalty of the law in that behalf made and provided.

Dated at ..... Name

the .....day of .....19.... Title

Upon failure to appear, a warrant of arrest may issue. Wilful failure to appear in answer to such summons may be punished by a fine of not over one hundred dollars or imprisonment for not over thirty days.

**10. Release of Persons Arrested.** When a peace officer makes an arrest without a warrant, either he or his superior officer may release the person arrested instead of taking him before a magistrate if satisfied either that there is no ground for making a criminal complaint against such person or that such person has been arrested for drunkenness and no further proceedings are necessary. A person released as above provided shall have no right to sue any peace officer on the ground that he was released without being brought before a magistrate.

**11. Length of Detention.** If not otherwise released, every person arrested shall be brought before a magistrate within twenty-four hours from the time of his arrest, Sundays and holidays excepted, unless a justice of the municipal court of the town or city where he is detained or of the town or city where the crime was committed for good cause shown orders that he be held for a further period of not exceeding forty-eight hours.

**12. Severability.** If any provision of this act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.

**13. Repeal; Takes Effect.** Such parts of chapter 364 of the Public Laws (chapter 413, commissioners' report) and such acts or parts of acts inconsistent with the provisions hereof are hereby repealed to the extent of such inconsistencies and this act shall take effect upon its passage.

[Approved June 10, 1941.]

## CHAPTER 164.

AN ACT RELATING TO THE ELECTION OF COUNTY OFFICERS.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1. Term of County Officers.** Amend section 1, chapter 36, of the Public Laws, as amended by section 1, chapter 166, Laws of 1933 and section 1, chapter 107, Laws of 1939 (section 1, chapter 45, commissioners' report) by striking out the same and inserting in place thereof the following:

**1. Election, Term.** There shall be chosen at each biennial election, by ballot, by the inhabitants of the several towns in each county qualified to vote for state senators, a sheriff, a county solicitor, a county treasurer, a register of deeds, a register of probate, and three county commissioners, each of whom shall take office on January first next succeeding his election, and shall hold the same for two years and until his successor is chosen and qualified.

**2. Present Officers Not Affected.** The present county officers shall hold their respective offices for the term for which they were elected. The county officers elected at the November election, 1942, shall take office at the expiration of the term of their predecessors and in cases where, by the provisions hereof, that term begins on April first said county officers shall only hold office from April 1, 1943, to January 1, 1945.

**3. Takes Effect.** This act shall take effect upon its passage.

[Approved June 10, 1941.]

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## CHAPTER 165.

AN ACT ESTABLISHING A COMMISSION TO STUDY THE PROBLEM  
OF ESTABLISHING A RETIREMENT PLAN FOR STATE  
EMPLOYEES.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1. Organization; Compensation.** There is hereby created a retirement plan commission consisting of five members, of which the comptroller shall be chairman and the insurance



commissioner a member. The remaining three members shall be appointed by the governor with the advice and consent of the council. Vacancies shall be filled in the same manner as the original appointments. The members of the commission shall serve without pay but shall be allowed actual expenses incurred in the performance of their duties.

**2. Duties.** It shall be the duty of the commission to make a study of the desirability of establishing a retirement plan for state employees and a study of state participation in any present or proposed retirement plan for other public employees, including employees of towns, cities or other municipal subdivisions. The findings and report of the commission shall be filed prior to the next legislative session with the secretary of state, who shall make such distribution thereof as the governor may order. The report shall include a draft of any appropriate legislation which the commission may recommend.

**3. Power to Collect Data.** The commission is hereby authorized and empowered to collect such data from departments and institutions of the state and from towns, cities or other municipal subdivisions, as may appear to be necessary for the purposes hereof.

**4. Assistants.** The commission may employ and fix the compensation of such assistants and technical advisers as may be necessary for the purposes hereof within the limitations of the appropriations made hereunder.

**5. Terms of Office.** The authority of the commission shall terminate upon order of the governor at such time as he shall determine after the filing of the report required by section 2.

**6. Appropriations.** There is hereby appropriated for the purposes hereof the sum of five thousand dollars or so much thereof as may be necessary, and the governor is hereby authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

**7. Takes Effect.** This act shall take effect upon its passage.

[Approved June 11, 1941.]

## CHAPTER 166.

### AN ACT CREATING A RETIREMENT SYSTEM FOR POLICEMEN.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1. Declaration of Policy.** The public welfare requires that a system of retirement benefits shall be established to compensate the permanent policemen of this state for their future public services rendered in the performance of their duties of protecting life and property within this state; and that suitable compensation shall be provided for the policemen of this state or their dependents whenever such policemen shall be permanently disabled or killed in line of duty.

**2. Definition.** The words "permanent policemen" as used herein shall mean any chief, deputy chief, marshal, deputy marshal, colonel, major, captain, lieutenant, sergeant, officer of other rank, inspector, chief clerk, clerk, radio dispatcher, radio engineer or operator, patrolman, trooper, policewoman, detective, investigator, mechanic, electrician, laboratory worker or other technical expert regularly employed on full time duty by a police department or police force of the state, any city, town, village or precinct in the state.

**3. Retirement Board.** The administration of the retirement system created by this act is hereby vested in a board to be known as the New Hampshire police retirement board, hereinafter called the board, consisting of seven members. The comptroller and the state treasurer shall be *ex-officio* members of the board, and are hereby empowered to perform the same duties as other members of the board. The remaining five members shall be appointed by the governor with the advice and consent of the council not later than June 15, 1941, as follows: Two members shall be appointed for terms of two years, each, three members for terms of three years each, and thereafter the governor and council shall appoint said members for a term of three years, each, and said members shall serve until their successors are appointed and qualified. Two members of the board shall be prominent citizens, but not of the same political party. The three remaining appointive positions on the board shall be filled in the following manner: The permanent policemen of the state who have accepted the provisions of this act shall biennially nominate

from their members a panel of five persons a list of whom shall be filed with the secretary of state. From this panel the governor with the advice and consent of the council shall appoint said three members of the board. Whenever a vacancy shall occur in the membership of the board it shall be filled for the unexpired term by the governor with the advice and consent of the council in the same manner. The members of the board shall serve without compensation but shall be reimbursed for actual and necessary expenses incurred by them in the discharge of their official duties.

**4. Acceptance of Act.** All permanent policemen in this state who accept the provisions of this act by making applications to the board and by agreeing to abide by such rules and regulations as it may prescribe pursuant hereto, are entitled to the benefits of this act. Each permanent policeman accepting the provisions hereof shall give notice of such acceptance to the treasurer or other disbursing officer of the state, city, town, village or precinct which employs him. All applications to the board must be made within twelve months after the passage of this act; provided, however, that any person not a permanent policeman at the date of the passage of this act but who thereafter becomes a permanent policeman shall make application to the board not later than six months after becoming a permanent policeman. Any policeman accepting the benefits of this act shall pay back assessments, with interest at five percent from the date this act becomes effective until his acceptance of the act, or if he becomes a permanent policeman subsequent to the enactment of this act the back assessments shall cover the period from his appointment as a permanent policeman until his acceptance of the act. No new permanent policeman added to a police force after the enactment of this act shall be eligible to the benefits hereunder who is over thirty-five years of age at the time he so becomes a permanent policeman.

**5. Duties of Retirement Board.** The board shall supervise the collection of assessments on all permanent policemen accepting the provisions hereof, and the payment of retirement benefits and other compensation under this act. To carry out the purposes hereof the board may make all manner of reasonable rules and regulations not inconsistent with the provisions hereof. The board shall employ a secretary at a

salary to be approved by it, whose duty it shall be to keep a record of all its proceedings and to perform such administrative duties as it may direct. The expenses of administration of this act shall be paid out of the retirement fund hereinafter provided.

**6. Individual Accounts.** The board shall establish and keep a record of the individual account of each permanent policeman accepting the provisions hereof. Each individual account shall state the policeman's age, annual salary, length of service, date of acceptance of act, date of retirement, payments to the retirement funds, and the benefits or compensation received by such policeman.

**7. Retirement Fund; Assessments on Salaries.** The retirement and other compensation provided for by this act shall be paid out of a retirement fund, which shall consist of all moneys collected from assessments or appropriations or gifts provided for herein. At the beginning of each fiscal year the board shall fix a uniform rate of assessment upon the annual salaries of all permanent policemen who accept the provisions hereof, which shall be four per cent of each policeman's annual salary. The board shall, in such manner as it may prescribe, give notice of the rate and amount of assessment on each permanent policeman's salary to the treasurer or other disbursing officer of the state, city, town, village or precinct where such permanent policeman is employed. All assessments under this section shall be payable in equal monthly installments on the last business day of each calendar month. It shall be the duty of the treasurer or other disbursing officer of the state, city, town, village or precinct, employing permanent policemen, who accept the provisions hereof, to withhold from the monthly salary of each such permanent policeman and to pay the board an amount equal to the monthly assessment against such permanent policeman's salary, as before provided. All permanent policemen who shall accept the provisions hereof by such acceptance agree that the treasurer or other disbursing officer of the state, city, town, village or precinct who employs them shall have the power to withhold from their monthly salaries the amounts as aforesaid. However, no assessment shall be made upon that part of any policeman's annual salary in excess of two thousand four hundred dollars.

**8. Assessments on State, Towns, Cities and Precincts.** At the beginning of each fiscal year the retirement board shall assess upon the various cities, towns, villages or precincts in the state employing permanent policemen who have made application for benefits hereunder, and upon the state for the employees of the state police department who have made application for benefits hereunder, two per cent of the annual payroll of such permanent policemen in such city, town, village or precinct, or the state, provided that if the board finds that all assessments made under the provisions of this act together with the annual appropriation by the state, as provided in section 9, will not be sufficient to keep this retirement system in a sound financial condition the board may assess such further sums against said cities, towns, villages and precincts, and the state, as, in the judgment of the board, may be necessary for said purpose. It shall be the duty of the treasurer or other disbursing officer to pay to the retirement board the sum assessed against said city, town, village or precinct, and said city, town, village or precinct is hereby authorized and directed to appropriate the sums necessary for said assessments.

**9. Contribution by State.** There is hereby appropriated for the purposes of this act the sum of thirty thousand dollars annually, and the governor is hereby authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated. Of the assessments made upon the state on account of employees of the state police department, under the provisions of section 8, eighty-five per cent thereof shall be a charge upon the revenues of the motor vehicle department from motor vehicle registration, and the balance shall be a charge upon the general funds of the state and the governor is hereby authorized to draw his warrant for said balance out of any money in the treasury not otherwise appropriated.

**10. Administration of Retirement Fund.** I. All moneys collected by the board hereunder shall be forthwith remitted to the state treasurer who shall act as custodian of the retirement fund. Donations to the retirement fund may be accepted by the state treasurer. With the exception of such moneys as may be required for current disbursement, the state treasurer shall invest and reinvest the retirement funds

in accordance with the laws governing the investments of savings banks. The fiscal year of the board shall begin July first, unless otherwise established by the board. II. Upon the receipt of an order from the board, it shall be the duty of the state treasurer to pay out of the retirement fund to such person as may be entitled thereto such benefits or compensation as the board may find due upon the provisions hereof. III. On or before the first day in August in each year, the state treasurer shall file with the secretary of the board a sworn statement exhibiting the financial condition of the retirement fund as of the thirtieth day of June of such year. Such statement shall be in such form as may be prescribed by the board and shall be published with the report of the state treasurer. The accounts of the board and the books and accounts of the state treasurer shall be audited and examined annually at the time and in the manner prescribed for the annual audit of the accounts of the state treasurer.

**11. Retirement.** No retirement hereunder shall take place before January first, 1942 and no voluntary retirement may take place before January first, 1944. Any permanent policeman who accepts the provisions hereof may retire from active service after reaching the age of sixty-five, provided he has served as a permanent policeman for a period of thirty continuous years, except as hereinafter provided. All permanent policemen who accept the provisions hereof and who have served as permanent policemen for thirty continuous years shall retire from active service at the age of seventy. Any permanent policeman accepting the provisions hereof and having served for thirty continuous years, who shall be dismissed from service after having reached the age of sixty-five, shall be entitled to the benefits of this act. Upon retirement a permanent policeman shall no longer be obligated to pay assessments to the retirement fund. The board may, if it deems proper, in case of a break in a policeman's continuous service of not more than three years, construe as a period of continuous service the total service of such policeman, by adding his service before the break to his service after the break.

**12. Retirement Benefits.** Any permanent policeman who retires or is dismissed from service as provided in section 11, and who shall have complied with all the provisions hereof and with the rules and regulations of the board, shall be en-

titled to receive from the retirement fund, for each year during the remainder of his life, a sum equal to one half of his average annual salary for the five years next preceding his retirement as determined by the board, but in no event shall this sum exceed twelve hundred dollars per year. This shall be paid to him in equal monthly installments on the first business day of each calendar month.

**13. Compensation in Case of Death or Permanent Disability.** Any permanent policeman accepting the provisions hereof who shall have become permanently and totally disabled to perform useful service, because of injury received in the actual performance of his duty, may be retired by the board, and shall be entitled to the benefits hereunder and shall receive an annual sum equal to one half his annual salary at the date of his disability, for the duration of such disability, as determined by the board, but in no case shall such payment exceed twelve hundred dollars per year. Any permanent policeman accepting the provisions hereof, who has performed faithful service in his department for twenty years and who shall become permanently and totally incapacitated from performing useful service, either mentally or physically, may be retired and shall be entitled to the benefits hereof and shall receive an annual sum equal to one half of his average annual salary for the five years next preceding the date of such permanent and total incapacity as determined by the board, but in no case shall such payment exceed twelve hundred dollars per year for the duration of such incapacity. The fact of such disability or such incapacity shall be established from time to time as the board may require by a certificate of a physician designated by the board. In case a permanent policeman, accepting the provisions hereof, shall die as the result of injury received in line of duty, his widow, or, if none, his minor child or children shall receive an annual sum equal to one half the annual salary of such deceased policeman at the time of his death until, in the case of a widow, she dies, or remarries, or in the case of a minor child or children, they die or reach the age of eighteen years, but if there is no wife, child, or children under the age of eighteen years, surviving such policeman, then to his totally dependent father or mother, or both, or the survivor of them, as the board shall determine, during dependency, but in no case shall such payment exceed

twelve hundred dollars per year. Said sums shall be paid in equal monthly installments on the first business day of each calendar month. In case the widow dies without remarrying and leaves a minor child or children the payment shall continue until such minor child or children die or reach the age of eighteen years.

**14. Resignation, Dismissal and Reinstatement.** Any permanent policeman accepting the provisions hereof who shall resign or be dismissed from service before becoming eligible for retirement, and the estate of any such permanent policeman who may die before becoming eligible for retirement, not as the result of an injury received in line of duty, shall be entitled to receive from the retirement fund all payments made thereto by him, without interest, and minus a fixed charge as the board may prescribe. Upon resignation or dismissal from service a permanent policeman shall no longer be obligated to pay assessments to the retirement fund. Any permanent policeman, resigned or dismissed from service as aforesaid may, if he thereafter reenters service as a permanent policeman, be reinstated to the benefits of this act upon payment to the board of all assessments which might have been assessed against him from the date of his original acceptance hereof to his resignation or dismissal and upon reinstatement he shall thereafter make the payments to the retirement fund prescribed by the board under section 7.

**15. Exemption.** The payments made by permanent policemen to the board and the benefits or compensation received hereunder shall be exempt from taxation, attachment, and the operation of laws relating to insolvency or bankruptcy. No assignment of benefits or compensation due hereunder shall be valid unless approved by the board.

**16. Acts Repealed.** All special or general acts and parts of such acts, inconsistent with this act, are hereby repealed.

**17. Takes Effect.** This act shall take effect upon its passage.

[Approved June 11, 1941.]



**CHAPTER 167.**

AN ACT RELATIVE TO TAKING BROOK TROUT.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1. Brook Trout.** Amend sections 1 to 9, inclusive, of chapter 201, Public Laws (sections 1 to 9, inclusive, chapter 236, commissioners' report) as inserted by chapter 169, Laws of 1939, and as amended by section 3, chapter 192, Laws of 1939 and chapters 38, 50, 83, 95, 96 and section 1 of chapter 94, Laws of 1941, by striking out said sections and inserting in place thereof the following: **1. General Provisions.** Brook trout not less than six inches in length may be taken and possessed from May first to September first in all waters of the state, and by the use of artificial flies only in lakes and ponds during the month of September, except in those waters closed to all fishing and except as specifically provided in the following five sections. **2. Fly Fishing Only, Six Inch Trout.** Brook trout not less than six inches in length may be taken and possessed from May first to October first by the use of artificial flies only from the following waters: Echo lake, Conway; Ellis river beginning at the south side of the covered bridge at Jackson village thence upstream to the junction of the Wildcat and Ellis rivers; the Wildcat river from its junction with the Ellis river upstream to a marker one hundred yards south of the Fairview bridge, so called, at the head of Jackson Falls; the Wildcat river from a marker two hundred yards north of Fairview bridge, so called, upstream to a cement bridge commonly known as Gill bridge on the so-called Five Mile Circuit road; Hunkins pond, Sanbornton; James pond, Tamworth; March pond, Hill; Little Millsfield pond, Millsfield; Moody pond, Weare; Moose pond, Millsfield; Newfound river, from the dam at the foot of Newfound lake to the Dodge and Davis woolen mill in Bristol; Profile lake, Franconia; Scobie's pond, Derry; Shaw pond, Franklin; Sky pond, New Hampton; Stirrup Iron pond, Salisbury; Stonehouse pond, Barrington; Swift river, Tamworth; White pond, Ossipee. **3. Fly Fishing Only, Seven Inch Trout.** Brook trout not less than seven inches in length may be taken and possessed from May first to October first by the use of artificial flies only from the following waters: Coon Brook

Bog and its tributaries, Round pond and its tributaries, Scott's Bog and its tributaries, East Inlet to Second Connecticut lake and its tributaries, all in Pittsburg, and Clarksville pond in Clarksville. **4. Ten Inch Trout.** Brook trout not less than ten inches in length may be taken with and by the use of artificial flies only in Big Brook, Big Brook Bog and their tributaries north of the highway leading from the First to the Second Connecticut lake from May first to September first. In Big Brook Bog said trout may also be taken during the month of September by the use of artificial flies only. **5. Limitation.** During the period from May first to October first in the waters named in sections 2, 3 and 4 no fish of any kind may be taken except by the use of artificial flies and during the period from October first to May first in said waters no fish of any kind shall be taken in any manner. **6. Sunapee Lake.** Brook trout not less than ten inches in length may be taken and possessed in Sunapee lake from May first to September first and by the use of artificial flies only during the month of September. **7. Limits.** During the open season therefor as provided in sections 1, 2 and 4 no person may take more than fifteen brook trout or more than five pounds in weight in one day. During the open season therefor as provided in sections 3 and 6 no person may take more than ten brook trout or more than five pounds in weight in one day. **8. Exception.** During the open season therefor as provided in the preceding sections if a person has taken less than the legal number of brook trout and less than five pounds in weight he shall be entitled to take one additional fish. **9. Bag Limit.** No person shall have in his possession at one time more than two days' catch of brook trout.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved June 11, 1941.]

## CHAPTER 168.

AN ACT RELATIVE TO SEWERAGE SYSTEMS IN THE CITIES OF  
CONCORD, LACONIA AND PORTSMOUTH.

*Be it enacted by the Senate and House of Representatives in  
General Court convened:*

**1. Sewerage System.** For the defraying of the cost of construction, management, maintenance, operation, reconstruction, replacement and repair of city sewers and sewer systems, including treatment and disposal works, and for the payment of the interest and principal on any debt incurred to pay such costs, the mayor and aldermen may establish a scale of rents, to be called sewer rents, which shall be paid by the owner or owners of real estate connected by sewage drains with city sewers and sewer systems, or whose real estate receives special benefit therefrom in any way. The mayor and aldermen may prescribe the manner in which and the time at which such rents are to be paid and collected and may change the scale of rents from time to time as may be deemed advisable. Such rents may be based upon the metered consumption of water on the premises connected with the sewer system, the number and kind of plumbing fixtures connected with the sewer system, the number of persons served by the sewer system or upon any other equitable basis. Funds raised from sewer rents shall be used only for the purposes prescribed in this section.

**2. Notice.** Notice of the charges for sewer rents shall be given to the owner or owners of real estate chargeable therefor in such manner as the mayor and aldermen shall prescribe. The procedure for the abatement of sewer rents and for appeals in case of neglect or refusal to abate shall be as prescribed by sections 8, 9 and 10, chapter 95, Public Laws.

**3. Lien.** All charges for sewer rents shall become a lien upon the real estate served by the city sewer system or the real estate on account of which they are charged. Such lien shall continue for one year from the last item charged in said sewer rents and may be enforced by suit in behalf of the city against the owner or owners of such real estate. In case an appeal has been taken and the charges sustained in whole or in part, such lien shall continue until the expiration of one year from such decision. The record of the charge for sewer

rents made by the city shall be sufficient notice to maintain suit upon such lien against subsequent purchasers or attaching creditors of such real estate.

**4. Rules and Regulations.** The mayor and aldermen may adopt rules and regulations pertaining to the use of the sewerage system and other regulations relating to the system as in their judgment the sewerage system, pumping station, treatment plant or other structure demands for proper maintenance or operation. Any person wilfully violating such regulations shall be fined not more than ten dollars for each day of neglect or refusal after written notice has been given.

**5. Application.** This act shall apply only to the cities of Concord, Laconia and Portsmouth; and sections 5, 5-a, 5-b, 6, 7 and 11, chapter 95, Public Laws, as amended by chapter 98, Laws of 1933 (sections 5 to 9, inclusive, and 13, chapter 111, commissioners' report) shall not apply to said cities.

**6. Repeal.** Section 6 of chapter 241 of the Laws of 1893, relative to the city of Laconia, is hereby repealed so far as the same is inconsistent herewith.

**7. Takes Effect.** This act shall take effect upon its passage.

[Approved June 11, 1941.]

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## CHAPTER 169.

AN ACT RELATIVE TO THE GROSS WEIGHT OF MOTOR VEHICLES  
HAVING TWO AXLES.

*Be it enacted by the Senate and House of Representatives in  
General Court convened:*

**1. Motor Vehicles, Maximum Weight of Vehicles Having Two Axles.** Amend section 22 of chapter 103, Public Laws, as amended by chapter 77, Laws of 1927, chapter 33, Laws of 1929, chapter 157, Laws of 1933, chapter 133, Laws of 1935, chapter 82, Laws of 1937 and chapter 131, Laws of 1939 (section 37, chapter 119, commissioners' report) by striking out the words "twenty-eight thousand" and by substituting therefor the words, thirty thousand, so that as amended said section 22 shall read as follows: **22. Weight.** No vehicle having two axles whose gross weight, including load, is more than thirty thousand pounds, no vehicle having three axles

and no combination of vehicle and trailer or semi-trailer, whose gross weight is more than forty thousand pounds, no vehicle having a greater weight than eighteen thousand pounds on one axle, and no vehicle having a load of over eight hundred pounds per inch width of tire concentrated on the surface of the highway, said width in the case of rubber tires to be measured between the flanges of the rim, shall be operated on the highways of this state; provided that this shall not prohibit the operation of road rollers used in the construction or maintenance of highways. The state highway commissioner and the motor vehicle commissioner shall jointly have the power to grant permits upon proper application in writing to move objects or a vehicle and load having a weight, width or length greater than as herein prescribed, upon such highways and at such seasons of the year as in their opinion will not be detrimental to the preservation of said highways and the public use thereof, provided that said commissioners may require a hearing before granting said permit and that said commissioners may withhold said permit until applicant has filed a bond to cover any possible damage to the highways or to the bridges over which the object to be moved may pass and to fulfill such rules and regulations as are prescribed by said commissioners. This act shall not be construed to limit the powers of the highway commissioner, selectmen of towns and city council of cities, to make rules and regulations for the protection and to prevent the abuse of highways and bridges as provided by chapter 117, Laws of 1935, which is an amendment of section 5 of chapter 91, section 12 of chapter 54, and section 15 of chapter 47, of the Public Laws.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved June 12, 1941.]

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## CHAPTER 170.

AN ACT RELATING TO THE USE OF COMMERCIAL MOTOR VEHICLES.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1. Operation of Motor Vehicles.** Amend chapter 103 of the Public Laws (chapter 119, commissioners' report) as

amended by chapter 142, Laws of 1941, by adding at the end thereof the following new subdivision:

### **Trucks; Carrying Passengers Prohibited**

**36. Use Prohibited.** No person, firm, association or corporation shall operate or permit, allow or cause to be operated, any motor vehicle designed or constructed by the manufacturer exclusively for the transportation of goods, materials, commodities, freight or merchandise, for the purpose of carrying passengers for a consideration express or implied.

**37. Exceptions.** Nothing in section 36 shall be construed to prevent the transportation of those enrolled at summer camps or students, teachers or employees of colleges and schools when it is for recreational or religious purposes; or of employees of any town, city, county or the state, federal government, or any agency thereof, or of employees of the owner of any such vehicle when in the course of going to or from their place of employment; or when transportation is in a vehicle approved by the motor vehicle commissioner under section 8-c hereof, as inserted by chapter 69, Laws of 1939.

**38. Penalties.** The operator, owner or custodian of any motor vehicle which is operated in violation of the provisions of this subdivision shall be fined not more than twenty-five dollars or imprisoned not exceeding ten days or both.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved June 12, 1941.]

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## **CHAPTER 171.**

AN ACT TO PROVIDE FOR RESEARCH ON WOOD WASTE UTILIZATION.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1. Duties of Commission on Research.** It shall be the duty of the state planning and development commission to arrange for the continuation of research work recently undertaken by the engineering experiment station of the University of New Hampshire for the purpose of developing low cost plastics from wood waste materials; to arrange to apply for

and to obtain patents upon any processes, apparatus, devices or product, consistent with the patent policies of the University of New Hampshire, which may be developed as a result of such research and to license the use of such patents to such persons and on such terms as said commission may consider in the public interest, preference to be given to New Hampshire industries and special preference to be given to contributors to the fund, as provided in section 2 hereof. All patents shall be taken in the name of or assigned to The State of New Hampshire. All royalties or other revenues received from patent licenses shall be made available to said commission for conducting further research work at said engineering experiment station on the utilization of the forest products of this state.

**2. Appropriation; Contingency.** The sum of twenty-five hundred dollars is hereby appropriated to be expended by the state planning and development commission for the purpose of paying one half of the cost of the continuation of the research work on plastics, including the cost of procuring patents, as specified in section 1; provided and not until there is paid into the state treasury by subscription from the wood-working industry of this state and other interested subscribers a like sum for the same purposes. The sums so paid into the state treasury shall be held in a separate account for the purposes of this act alone and the governor is hereby authorized to draw his warrant for the sum appropriated by the state, or so much thereof as may be necessary, out of any money in the treasury not otherwise appropriated.

**3. Takes Effect.** This act shall take effect upon its passage.

[Approved June 12, 1941.]

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## CHAPTER 172.

### AN ACT RELATING TO A LICENSE TO CARRY A LOADED PISTOL OR REVOLVER.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1. Pistols and Revolvers.** Amend section 6 of chapter 149, Public Laws (section 6, chapter 175, commissioners' report)

by striking out said section and inserting in place thereof the following: **6. License to Carry.** The selectmen of a town or the mayor or chief of police of a city, upon application of any resident of said town or city, or the superintendent of the state police or some person designated by him, upon application of a nonresident, may issue a license to such applicant authorizing him to carry a loaded pistol or revolver in this state, for not more than one year from the date of issue, if it appears that the applicant has good reason to fear an injury to his person or property or has any proper purpose, and that he is a suitable person to be licensed. The license shall be in duplicate and shall bear the name, address, description and signature of the licensee. The original thereof shall be delivered to the licensee and the duplicate shall be preserved by the person issuing the same for one year. The fee for licenses issued to residents of the state shall be fifty cents, which fee shall be for the use of the law enforcement department of the town granting said licenses; the fee for licenses granted to out of state residents shall be one dollar, which fee shall be for the use of the state.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved June 12, 1941.]

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## CHAPTER 173.

### AN ACT RELATIVE TO ENFORCEMENT OF THE PROVISIONS OF THE BARBER LAW.

*Be it enacted by the Senate and House of Representatives in  
General Court convened:*

**1. Practice of Barbering.** Amend section 21 of chapter 163 of the Laws of 1937 (section 19 of chapter 156 of the commissioners' report) by striking out said section and inserting in the place thereof the following: **21. Penalties.** The violation of or wilful failure to comply with any of the provisions hereof or of any rule or regulation lawfully made hereunder shall constitute a misdemeanor punishable by a fine of not less than twenty-five dollars nor more than two hundred dollars. In towns and cities having a full-time health officer it shall be the duty of said health officer, with the cooperation



of the state board of health, to enforce the provisions of this chapter by inspections of all barber shops therein periodically, to prosecute in the courts any violations discovered and to report such violations to the examining and licensing board. In towns and cities not having a full-time health officer, it shall be the duty of the examining and licensing board to enforce, with the cooperation of the state board of health, the provisions of this chapter by inspections of all barber shops therein periodically and to prosecute in the courts any violations discovered. In connection with the carrying out of said inspections the rules and regulations promulgated by the state board of health under authority of section 2 of chapter 140, Public Laws, shall govern.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved June 12, 1941.]

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## CHAPTER 174.

### AN ACT RELATING TO EXEMPTIONS FROM TAXATION.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1. Property Taxation.** Amend section 22 of chapter 60 of the Public Laws, as amended by chapter 4, Laws of 1930 (section 23, chapter 73, commissioners' report) by striking out said section and inserting in place thereof the following:

**22. Institutional Exemptions.** The personal property of institutions devoted to educational purposes, charitable and religious societies, and of temperance societies, incorporated or organized within this state, and the real estate owned and occupied by them, their officers, or their students for the purposes for which they are established, parsonages occupied by pastors of churches, and personal property owned and real estate owned and occupied by the Grand Army of the Republic, the United Spanish War Veterans, Veterans of Foreign Wars, the American Legion, or the American National Red Cross, shall be exempt from taxation, provided none of the income or profits of the business of such corporations or institutions is divided among the stockholders or members, or is used or appropriated for other than educational, charitable or re-

ligious purposes. No institution shall be deemed an educational institution for the purpose hereof unless it conducts regular courses of instruction, under a curriculum approved by the state board of education, for at least six months of each calendar year; and no institution, except it be a regularly recognized and constituted denomination, sect, or creed, shall be deemed a religious institution for the purpose hereof, unless it conducts religious services in this state for at least six months of each calendar year. This limitation, however, does not apply to property of any institution or organization exempted from taxation by special act of the legislature.

**2. Application of Provisions.** Amend section 25-a of chapter 60, Public Laws, as inserted by chapter 148, Laws of 1931, and amended by chapter 175, Laws of 1937 (section 27, chapter 73, commissioners' report) by adding after the word "Legion" the words, the American National Red Cross, so that said section shall read as follows: **25-a. Improvements Only Exempted; Limitations.** The exemptions referred to in sections 22, 24 and 25 of this chapter, as regards real estate hereafter acquired by such institutions, shall apply only to subsequent improvements therein and thereon, and the real estate so acquired shall be assessed and taxed as other similar land and real estate in the vicinity is assessed and taxed. This section shall not apply to real estate owned by religious societies incorporated or organized within this state and occupied by their pastors or clergy in active service or to real estate owned and occupied by the Grand Army of the Republic, the United Spanish War Veterans, Veterans of Foreign Wars, the American Legion, the American National Red Cross, or to real estate acquired and used in substitution for property in this state theretofore exempt from taxation.

**3. Takes Effect.** This act shall take effect upon its passage.

[Approved June 12, 1941.]

**CHAPTER 175.**

AN ACT RELATING TO UNINCORPORATED SOCIETIES OR LODGES.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1. Fraternal Organizations.** Amend chapter 223 of the Public Laws (chapter 263, commissioners' report) by adding at the end thereof the following new subdivision:

**Fraternal Organizations**

**12. Holding Property.** Unincorporated societies or lodges of Elks, Knights of Columbus, Knights of Pythias, Masons, Moose and Odd Fellows, or other similar fraternal organizations shall be corporations so far as may be necessary to take, hold, manage and use any gift or grant made to them as such and any gifts or grants heretofore made to any such societies or lodges are hereby fully ratified and confirmed to them in their aforesaid corporate capacity, and said societies, lodges, and organizations may sue and be sued in regard to such property in said corporate capacity.

**13. Deemed Corporations for What Purposes.** The trustees or other similar officers of such societies or lodges shall be deemed bodies corporate for the purpose of taking and holding in succession grants and gifts whether of real or personal estate made either to them and their respective societies or lodges and said trustees or other similar officers with the consent of the societies or lodges may convey the lands or other property of such societies or lodges.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved June 12, 1941.]

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**CHAPTER 176.**

AN ACT PROVIDING A DEFICIENCY APPROPRIATION FOR CERTAIN STATE DEPARTMENTS.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1. Appropriation.** The sum of seventy-four thousand one hundred twenty-five dollars and three cents (\$74,125.03) is

hereby appropriated to meet deficits in certain state departments, as follows: For the tax commission, tobacco products tax division, for the fiscal year ending June 30, 1940, twenty-eight thousand five hundred four dollars and sixty-three cents (\$28,504.63); for the fiscal year ending June 30, 1941, ten thousand nine hundred fifty-four dollars and thirty-seven cents (\$10,954.37); for the adjutant general's department, national guard, for the fiscal year ending June 30, 1940, eight thousand nine hundred seven dollars and sixty-nine cents (\$8,907.69); for the fiscal year ending June 30, 1941, six thousand five hundred eighty-three dollars and eighty-seven cents (\$6,583.87); for the cancer commission, for the fiscal year ending June 30, 1940, six thousand dollars and ninety-seven cents (\$6,000.97); for the secretary of state, Australian ballot, for the fiscal year ending June 30, 1941, thirteen thousand one hundred seventy-three dollars and fifty cents (\$13,173.50). The governor is hereby authorized to draw his warrant for the sums hereby appropriated out of any money in the treasury not otherwise appropriated.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved June 12, 1941.]

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## CHAPTER 177.

### AN ACT TO EXTEND THE COMMISSION ON DISABILITY BENEFITS.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1. Commission on Disability Benefits.** The members of the commission on disability benefits constituted under the provisions of chapter 206 of the Laws of 1939 shall continue as such commission for a period of two years each from the date of the passage of this act. Said commission shall compile a further report on the possibility of protecting individuals unemployed because of sickness or ill health and shall file said report in the office of the secretary of state. Any balance of the appropriation for the purposes of said commission made by said chapter 206 shall not lapse until two years from the date of the passage of this act.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved June 12, 1941.]

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## CHAPTER 178.

### AN ACT RELATING TO NONRESIDENT PRIVILEGES.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1. Operation of Motor Vehicles.** Amend chapter 100 of the Public Laws by inserting after section 23 (section 31, chapter 116, commissioners' report) the following new section:  
**23-a. Vehicles Carrying Farm Products.** Provided like privileges are found by the commissioner to be granted to residents of this state a nonresident who has complied with the laws of his state, district or country relating to registration and licensing of motor vehicles may operate without registration upon the ways of this state a motor vehicle used by him for carrying any farm products grown or raised upon his own farm and the restrictions as to twenty-day use as provided in section 22 hereof shall not apply to such vehicles.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved June 12, 1941.]

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## CHAPTER 179.

### AN ACT MAKING APPROPRIATIONS FOR CERTAIN STATE DEPARTMENTS OF THE STATE OF NEW HAMPSHIRE FOR THE YEAR ENDING JUNE 30, 1942.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1. Appropriations.** The sums hereinafter mentioned are appropriated to be paid out of revenues specially designated for the departments and functions for the fiscal year ending June 30, 1942, to wit:

## For state liquor commission:

## Liquor administration

Salaries of commissioners, one half .....	\$6,000.00
Other salaries .....	43,977.50
Current expenses .....	25,900.00
<hr/>	
Total .....	\$75,877.50

## Beer administration

Salaries of commissioners, one half .....	\$6,000.00
Other salaries .....	51,340.00
Current expenses .....	44,500.00
<hr/>	
Total .....	101,840.00

## Liquor enforcement

Salaries .....	\$13,787.50
Current expenses .....	8,515.00
<hr/>	
Total .....	22,302.50

## Store division

Salaries .....	\$234,890.00
Current expenses .....	135,450.00
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Total .....	370,340.00

## Warehouse division

Salaries .....	\$25,525.00
Current expenses .....	14,850.00
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Total .....	40,375.00

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Total state liquor commission .....\$610,735.00

## For board of registration of hairdressers:

Per diem, board members .....	\$2,575.00
Clerical services .....	1,320.00
Current expenses .....	3,840.00
<hr/>	
Total hairdressers' board .....	\$7,735.00

## For barbers' board:

Per diem, board members .....	\$1,500.00
Salary of secretary .....	300.00
Clerical expenses .....	830.00
Extra help .....	25.00
Current expenses .....	1,762.00

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Total barbers' board ..... \$4,417.00

For board of accountancy ..... \$830.00

For dental board ..... \$675.00

## For motor vehicle department:

## Administration

Salary of commissioner .....	\$4,000.00
Salary of assistant to commis- sioner .....	3,000.00
Clerical services .....	75,450.00
Current expenses .....	103,650.00

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Total .....\$186,100.00

## Motor vehicle patrol

Salaries of inspectors .....	\$27,331.50
Extra help .....	4,150.00
Current expenses .....	21,350.50

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Total ..... 52,832.00

## Gasoline toll division

Salaries .....	\$2,184.00
Current expenses .....	2,816.00

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Total ..... 5,000.00

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Total motor vehicle department .....\$243,932.00

## For highway department:

## Administration

Salaries and wages .....	\$46,555.00
Current expenses .....	68,445.00

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Total .....\$115,000.00

Engineering .....	\$338,000.00
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Total highway department .....	\$453,000.00
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The above appropriation for the highway department shall be for the fiscal year ending January 31, 1942.

For department of agriculture:

Licensing live poultry dealers .....	\$157.00
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For racing commission:

Salaries of commissioners .....	\$3,600.00
Temporary employees .....	16,500.00
Chemist and laboratory .....	6,000.00
Clerical services .....	1,650.00
Current expenses .....	4,350.00

Total racing commission .....	\$32,100.00
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For aerial tramway commission:

Expenses of commissioners .....	\$2,000.00
Salary of director .....	4,000.00
Other salaries .....	50,440.00
Current expenses .....	36,920.00
Improvements .....	15,000.00

Total tramway commission .....	\$108,360.00
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For board of registration of funeral directors and embalmers:

Personal services .....	\$1,265.00
Current expenses .....	3,010.00

Total .....	\$4,275.00
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For board of registration in chiropody .....	\$357.00
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For board of registration in medicine:

Personal services .....	\$560.00
Current expenses .....	818.00

Total .....	\$1,378.00
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**2. Takes Effect.** This act shall take effect July 1, 1941.

[Approved June 13, 1941.]



## CHAPTER 180.

AN ACT MAKING APPROPRIATIONS FOR CERTAIN STATE DEPARTMENTS OF THE STATE OF NEW HAMPSHIRE FOR THE YEAR ENDING JUNE 30, 1943.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1. Appropriations.** The sums hereinafter mentioned are appropriated to be paid out of revenues specially designated for the departments and functions for the fiscal year ending June 30, 1943, to wit:

For state liquor commission:

Liquor administration

Salaries of commissioners, one	
half .....	\$6,000.00
Other salaries .....	44,902.50
Current expenses .....	25,900.00
	<hr/>
Total .....	\$76,802.50

Beer administration

Salaries of commissioners, one	
half .....	\$6,000.00
Other salaries .....	51,615.00
Current expenses .....	44,500.00
	<hr/>
Total .....	102,115.00

Liquor enforcement

Salaries .....	\$13,837.50
Current expenses .....	8,515.00
	<hr/>
Total .....	22,352.50

Store division

Salaries .....	\$234,890.00
Current expenses .....	136,450.00
	<hr/>
Total .....	371,340.00

## Warehouse division

Salaries .....	\$25,805.00
Current expenses .....	14,850.00

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Total ..... 40,655.00

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Total state liquor commission .....\$613,265.00

## For board of registration of hairdressers:

Per diem, board members .....	\$2,575.00
Clerical services .....	1,370.00
Current expenses .....	3,840.00

---

Total hairdressers' board..... \$7,785.00

## For barbers' board:

Per diem, board members .....	\$1,500.00
Salary of secretary .....	300.00
Clerical .....	830.00
Extra help .....	25.00
Current expenses .....	1,762.00

---

Total barbers' board ..... \$4,417.00

For board of accountancy ..... \$830.00

For dental board ..... \$680.00

## For motor vehicle department:

## Administration

Salary of commissioner .....	\$4,000.00
Salary of assistant to the com- missioner .....	3,000.00
Clerical services .....	77,300.00
Current expenses .....	103,650.00

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Total .....\$187,950.00

## Motor vehicle patrol

Salaries of inspectors .....	\$27,331.50
Extra help .....	4,880.00
Current expenses .....	21,350.50

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Total ..... 53,562.00

## Gasoline toll division

Salaries .....	\$2,184.00
Current expenses .....	2,816.00

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Total .....	5,000.00
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Total motor vehicle department .....	\$246,512.00
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## For highway department:

## Administration

Salaries and wages .....	\$46,555.00
Current expenses .....	68,445.00

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Total .....	\$115,000.00
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Engineering .....	331,000.00
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Total highway department .....	\$446,000.00
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The above appropriation for the highway department shall be for the fiscal year ending January 31, 1943.

## For department of agriculture:

Licensing live poultry dealers .....	\$162.00
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## For racing commission:

Salaries of commissioners .....	\$3,600.00
Temporary employees .....	16,500.00
Chemist and laboratory .....	6,000.00
Clerical services .....	1,650.00
Current expenses .....	4,150.00

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Total racing commission .....	\$31,900.00
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## For aerial tramway commission:

Expenses of commissioners .....	\$2,000.00
Salary of director .....	4,000.00
Other salaries .....	50,440.00
Current expenses .....	36,545.00
Improvements .....	15,000.00

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Total tramway commission .....	\$107,985.00
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For board of registration of funeral  
directors and embalmers:

Personal services .....	\$1,375.00
Current expenses .....	3,085.00

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Total .....	\$4,460.00
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For board of registration in chiropody .....	\$361.00
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For board of registration in medicine:

Personal services .....	\$560.00
Current expenses .....	752.00

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Total .....	\$1,312.00
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**2. Takes Effect.** This act shall take effect July 1, 1942.  
[Approved June 12, 1941.]

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## CHAPTER 181.

### AN ACT MAKING APPROPRIATIONS FOR CAPITAL IMPROVEMENTS AND LONG TERM REPAIRS FOR THE STATE OF NEW HAMPSHIRE.

*Be it enacted by the Senate and House of Representatives in  
General Court convened:*

**1. State Hospital.** I. Amend paragraph (j) of section 1, chapter 221, Laws of 1939, as amended by chapter 124, Laws of 1941, by striking out said paragraph and inserting in place thereof the following: (j) the construction and equipment of an addition to the Brown building at the state hospital to accommodate approximately one hundred twenty patients. II. In view of the change in one of the projects named in said section 1 of said chapter 221, provided for by this section, there is hereby appropriated for the purposes set forth in said section 1 of said chapter 221 the sum of one hundred thousand dollars, which appropriation is in addition to the appropriations made by said chapter 221.

**2. Appropriation.** The sum of two hundred sixteen thousand dollars is hereby appropriated for the purposes and in the amounts listed below, which purposes include such related improvements, facilities, equipment and furnishings as are necessary to complete the same:

(a) to construct and equip a new carpenter shop at the state hospital.....	\$10,000
(b) to enlarge the dining rooms and kitchen space and facilities and to construct a vegetable greenhouse at the Laconia State School .....	\$50,000
(c) to make general repairs to the Claremont armory .....	\$13,500
(d) to make general repairs to the Portsmouth armory .....	\$10,500
(e) to construct a house for the superintendent of the fish hatchery at Whitefield.....	\$3,500
(f) to acquire and construct a rearing station for fish at Sumner Brook in Ossipee....	\$14,500
(g) to reconstruct the front entrance and guard room at the state prison and to complete the kitchen and dining room equipment of the new cell block, and erect steel grills along tier walks .....	\$37,500
(h) to make alterations in the women's section of the state prison .....	\$11,400
(i) to make improvements at the state sanatorium, Glencliff, consisting mainly of alterations at the heating plant, a new chimney, and the replacement of a portion of the main sewer	\$9,600
(j) to make alterations in the state house to enlarge the seating capacity of representatives hall and renovate the senate and council chambers .....	\$10,500
(k) to acquire, construct and maintain a parking area upon land at the corner of North State and Center Streets in Concord.....	\$6,000
(l) to acquire, alter and equip a state storage warehouse .....	\$35,000
(m) for the completion of the New Hampshire bird life exhibit situated in the basement of the state house .....	\$4,000

The appropriation hereby made shall be expended by the institutions and departments referred to herein under the direction of the governor and council and in accordance with plans and specifications approved by said governor and council.

**3. Bonds or Notes Authorized.** To provide funds for the appropriations made by sections 1 and 2 hereof, the state treasurer is hereby authorized under the direction of the governor and council to borrow upon the credit of the state not exceeding the sum of three hundred and sixteen thousand dollars, and for that purpose, may issue bonds or notes in the name and on the behalf of the state of New Hampshire. The governor and council shall determine the form of such bonds or notes, their rate of interest, the dates when interest shall be paid, the dates of maturity, the places where principal and interest shall be paid and the time or times of issue. Such bonds or notes shall be signed by the treasurer and countersigned by the governor, and shall be deemed a pledge of the faith and credit of the state. The proceeds of the sale of such bonds or notes shall be held by the treasurer and paid out by him upon warrants drawn by the governor for the purposes of this act alone and the governor, with the advice and consent of the council, shall draw his warrants for the payment from the funds provided for herein of all sums expended or due for the purposes herein authorized. Such bonds or notes may be negotiated and sold by the treasurer by direction of the governor and council as they deem to be most advantageous to the state.

**4. Accounts.** The secretary of state shall keep an account of all such bonds or notes countersigned by the governor, showing the number and amount of each bond or note, the time of countersigning, the date of delivery to the treasurer and the date of maturity. The state treasurer shall keep an account of each bond or note showing the number thereof, the name of the person to whom sold, the amount received for the same, the date of the sale and the date of maturity.

**5. Short-Term Notes.** Prior to the issuance of the bonds or notes hereunder the treasurer, under the direction of the governor and council, may for the purposes hereof borrow money from time to time on short-term loans to be refunded by the issuance of the bonds or notes hereunder, provided however that at no one time shall the indebtedness of the state on such short-term loans exceed the sum of three hundred sixteen thousand dollars.

**6. Federal Assistance.** The governor and council are hereby authorized to cooperate with and enter into such agree-

ments with the federal government, or any agency thereof, as they may deem advisable to secure federal funds for the purposes hereof.

**7. Transfer of Funds.** In the event any one of the projects listed herein is completed at a cost less than the amount appropriated therefor, the surplus therefrom may be transferred to any of the other projects under direction of the governor and council.

**8. Repeal.** Sections 2, 3, 4, 5 and 6 of chapter 225 of the Laws of 1939 are hereby repealed.

**9. Takes Effect.** This act shall take effect upon its passage.

[Approved June 12, 1941.]

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## CHAPTER 182.

### AN ACT RELATIVE TO THE RAYMOND ROAD IN THE TOWN OF NOTTINGHAM.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1. Change in Classification.** On and after the date of the passage of this act the road in Nottingham running from the Nottingham-Raymond town line to the Northwood to Newmarket road route 152, known as the Raymond road, shall be classified and become a part of the secondary system of highways as established by section 1, chapter 67, Laws of 1937 (section 35, chapter 100, commissioners' report) and shall be improved under the direction of the highway commissioner and the expense of such improvement shall be borne by the state and the town of Nottingham in the proportion required by chapter 84, Public Laws, as amended. Said highway and any bridges thereon constructed under the provisions hereof shall be maintained by the state.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved June 12, 1941.]

### CHAPTER 183.

#### AN ACT RELATIVE TO THE OPEN SEASON FOR TAKING SALT WATER SMELT.

*Be it enacted by the Senate and House of Representatives in  
General Court convened:*

**1. Closed Season.** Amend section 54 of chapter 201 of the Public Laws, as inserted by chapter 169 of the Laws of 1939 (section 54, chapter 236, commissioners' report) by striking out the word "fifteenth" in the fourth line and inserting in place thereof the word, twentieth, so that said section as amended shall read as follows: **54. Salt Water Smelt.** No person shall take salt water smelt from the Piscataqua river and its tributaries, the Exeter river and its tributaries, and Great Bay and Greenland Bay, from April twentieth to July first. Salt water smelt may be bought and sold during the open season therefor.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved June 12, 1941.]

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### CHAPTER 184.

#### AN ACT RELATIVE TO THE MUNICIPAL BUDGET LAW.

*Be it enacted by the Senate and House of Representatives in  
General Court convened:*

**1. Municipal Budget Act.** Amend section 4 of chapter 9 of the Laws of 1935 (section 4, chapter 52, commissioners' report) by adding at the end thereof the following: provided, however, that the budget committee may also submit, without approval, items which they do not wish to recommend but which they believe the voters should be allowed to consider and act upon, either favorably or unfavorably. Money may be raised and appropriated for such items, but not to an amount which would increase the total appropriations, as recommended by the budget committee, by more than the ten per cent allowed hereunder, so that said section as amended shall read as follows: **4. Limitation.** So long as the provisions of this act shall remain in force in any town the total



amount appropriated at any annual town or school meeting shall not exceed by more than ten per cent the total amount specified in the budget for town or school purposes and no appropriation shall be made for any purpose not included in said budget, provided, however, that the budget committee may also submit, without approval, items which they do not wish to recommend but which they believe the voters should be allowed to consider and act upon, either favorably or unfavorably. Money may be raised and appropriated for such items, but not to an amount which would increase the total appropriations, as recommended by the budget committee, by more than the ten per cent allowed hereunder.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved June 13, 1941.]

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## CHAPTER 185.

### AN ACT RELATING TO BOXING AND WRESTLING.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1. State Athletic Commission.** Amend section 3, chapter 132 of the Laws of 1929 (section 3, chapter 169, commissioners' report) by inserting in the fifth line after the word "receive" the words, five dollars a day, so that said section as amended shall read as follows: **3. Compensation.** The chairman-secretary shall receive six dollars a day when engaged in the performance of his duties under the provisions of this act, together with his actual traveling and other necessary expenses. The other two commissioners shall receive five dollars a day, traveling and other necessary expenses incurred when engaged in the actual performance of their duties at the call of the chairman. Said compensation and expenses shall be paid out of the athletic fund.

**2. Licenses and Permits.** Amend section 16 of said chapter 132, as inserted by chapter 179, Laws of 1937 (section 15, chapter 169, commissioners' report) by striking out said section and inserting in place thereof the following: **16. Fees.** With the approval of the governor and council the commission may annually set such fees for permits as it shall con-

sider adequate and proper. Such fees may be set for permits for one show only for promoter, boxer, wrestler, timekeeper, second and manager, with graduated fees for preliminary bout, semi-final or main bout, or all star exhibition, and annual fees may be set for licenses for such promoter, boxer, wrestler, manager, referee, second and timekeeper. The commission may issue to an amateur boxer or wrestler an amateur card which shall be valid for one year and the fee for such amateur card shall be twenty-five cents.

**3. Boxing Bouts.** Amend section 21 of said chapter 132, as amended by chapter 179, Laws of 1937 (section 21, chapter 169, commissioners' report) by striking out in the second line the word "ten" and inserting in place thereof the word, fifteen, so that said section as amended shall read as follows:

**21. Time Limit.** No boxing bout shall consist of more than fifteen rounds and each round shall not be more than three minutes' duration with at least one minute's rest between the rounds. No wrestling bout shall last more than ninety minutes in all.

**4. Takes Effect.** This act shall take effect upon its passage.

[Approved June 13, 1941.]

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## CHAPTER 186.

### AN ACT DESIGNATING FOR IMPROVEMENT A NEW DEFENSE HIGHWAY.

*Be it enacted by the Senate and House of Representatives in  
General Court convened:*

**1. Highway Designated.** For the purpose of relieving congestion on the Daniel Webster highway and to provide further highway facilities which may be needed in connection with defense projects by the federal and state governments, the highway commissioner, with the approval of the governor and council, may designate for improvement by suitable description a continuous state highway from the Londonderry Turnpike, in the town of Hooksett, northerly on the east side of the Merrimack river and to the east of the Daniel Webster highway, through the towns of Allenstown and Pembroke to the Sheep-Davis road, so called, in the city of Concord to the

junction of the Dover and Loudon roads, or such part thereof as may be best for the public good.

**2. Changes in Routes.** Said commissioner is authorized to recommend to the governor and council such changes in the routes of existing highways over which said designated highway may pass as he shall think expedient. The making of changes in the routes of such highways and the taking of land necessary for the proposed new highway shall be by proceedings as for the laying-out of highways to public waters.

**3. Expenditures.** The cost of the layout and improvement of the highway designated in section 1, so far as expenditures by the state are concerned, shall be a charge upon the highway funds.

**4. Contingency.** The layout and improvement of the highway designated in section 1 shall be contingent upon the granting of assistance by the federal government to the state, for the purposes hereof, of such funds or labor or other facilities as shall appear to the highway commissioner to be sufficient, with the contribution from state highway funds as provided in section 3, for the carrying out of the purposes hereof.

**5. Federal Assistance.** The governor and council are hereby authorized to cooperate with and enter into such agreements with the federal government, or any agency thereof, as they may deem advisable to secure federal assistance for the purposes hereof.

**6. Takes Effect.** This act shall take effect upon its passage.

[Approved June 13, 1941.]

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## CHAPTER 187.

### AN ACT RELATING TO THE SALARIES OF THE COMMISSIONERS OF THE COUNTY OF ROCKINGHAM.

*Be it enacted by the Senate and House of Representatives in  
General Court convened:*

**1. Temporary Salary Increase.** For each of the periods from April 1, 1941, to April 1, 1942, and from April 1, 1942, to April 1, 1943, each county commissioner of the county of Rockingham, in addition to the salary provided for by section

28, chapter 38, Public Laws as amended (section 28, chapter 47, commissioners' report) shall be allowed and paid by the county the sum of three hundred dollars, and the commissioner of said county who serves as clerk of the board shall for each of said periods receive an additional sum of one hundred dollars.

**2. Ratification.** The action of the Rockingham county convention in giving the commissioners of said county a temporary salary increase for the years 1937 to 1941 is hereby ratified and confirmed.

**3. Takes Effect.** This act shall take effect upon its passage.

[Approved June 13, 1941.]

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## CHAPTER 188.

### AN ACT NAMING CALEF LAKE.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1. Name Given.** Hereafter the body of water in the town of Auburn, formed by the dam on Minter brook, shall be known and called Calef lake.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved June 13, 1941.]

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## CHAPTER 189.

### AN ACT RELATIVE TO THE PRACTICE OF HAIRDRESSING AND MANICURING.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1. Definition.** Amend paragraph IV of section 2, chapter 162, Laws of 1937 (section 1, chapter 155, commissioners' report) by striking out the same and inserting in place thereof the following: IV. "Hairdressing," arranging, dressing, curling, waving, cleansing, cutting, singeing, bleaching, coloring, or similarly treating the hair of any person, and performing work as a cosmetologist and manicurist, but not including

the removal of superfluous hair or skin blemishes by direct application of an electric current.

**2. Repeal.** Paragraph V of section 1 [2] of said chapter 162 (said chapter 155) defining the word operator is hereby repealed. Said chapter 162 is further amended by striking out the word "operator" wherever it occurs in said chapter.

**3. Definition.** Amend paragraph VI of section 2, chapter 162, Laws of 1937 (section 1, chapter 155, commissioners' report) by striking out the same and inserting in place thereof the following: VI. "Manicurist," any person who engages in manicuring for compensation, except a person engaged in the practice of manicuring in a charitable or benevolent institution, where such practice is carried on solely for the benefit of the residents of such institution.

**4. Definition of Shop.** Amend paragraph IX of section 2 of said chapter 162 (section 1 of said chapter 155) by striking out the same and inserting in place thereof the following: IX. "Shop," a beauty shop or other place kept open for the business of hairdressing or manicuring.

**5. Manicuring.** Amend section 11 of said chapter 162 (section 10 of said chapter 155) by striking out the words "and beauty culture" in the second and third lines and inserting in place thereof the words, or manicuring, so that said section as amended shall read as follows: **11. License and Registration Required.** It shall be unlawful for any person (a) to practice hairdressing or manicuring in this state unless he shall first have obtained a license as provided by this act, and (b) to operate or work in a shop, school or other establishment, even though licensed, unless said shop, school or establishment is registered as provided by this act.

**6. Qualifications for Licenses.** Amend section 12 of said chapter 162 (section 11 of said chapter 155) by striking out paragraphs I (a) to (d) inclusive and inserting in place thereof the following: I. Applicants. Upon payment of the fee provided by this act applicants shall be eligible to obtain licenses as follows: (a) Hairdresser. Any person who is (1) at least sixteen years of age, (2) who is of good moral character and temperate habits, (3) who shall have had an education equivalent to the completion of the second grade in the public high schools of this state, (4) who has had training of at least one thousand hours extending over a school

term of at least six months in a school of cosmetology, approved by the board, (5) and who has passed the hairdresser's examination or any person who has complied with the requirements of (1), (2), (3) and (5), and (6) who has served at least one year in this state as an apprentice in a hairdresser's shop, or any person who has complied with the requirements of (1), (2), (3) and (5) and either (4) or (6) for a like period in a state whose requirements are substantially the same as in this state and in which hairdressers licensed in this state are given like recognition. On and after April 1, 1940 a person not previously licensed by the board shall be entitled to a license without examination only if said person can furnish proof of having been actively engaged in the practice of hairdressing in this state for a continuous period of at least two years during the period from September 1, 1930 to September 1, 1937. (b) Manicurist. Any person who has complied with the requirements of (1), (2) and (3) as above set forth and in addition thereto (4) has completed a course of at least six weeks, including at least one hundred and fifty hours of professional training in manicuring in a school approved by the board and (5) who has passed the manicurist's examination or any person who has complied with the requirements of said (1), (2), (3) and (5) and as (6) an apprentice in a shop has, in the opinion of the board, received the equivalent of the course specified in (4) hereof, or any person who has complied with the requirements of (1), (2), (3) and (5) and either (4) or (6) for a like period in a state whose requirements are substantially the same as in this state and in which manicurists licensed in this state are given like recognition. On and after April 1, 1940 a person not previously licensed by the board as a manicurist may be entitled to a license without examination only if such person can furnish proof of having actively been engaged in the practice of manicuring in this state for a continuous period of at least two years during the period from September 1, 1930 to September 1, 1937.

**7. Renumbering.** Renumber paragraph (e) of section 12 of said chapter 162 (section 11 of said chapter 155) to read paragraph (c).

**8. Requirements.** Amend section 13 of said chapter 162 (section 12 of said chapter 155) by striking out the same and

inserting in place thereof the following: **13. Approved Schools.** No school of hairdressing in this state shall be approved by said board unless it has minimum requirements of a continuous course of study of one thousand hours distributed over a period of not less than six months, including practical demonstrations, written and oral tests, and theoretical and practical instruction in sanitation, sterilization and the use of antiseptics and disinfectants, cosmetics and electrical appliances, which course of study and instruction shall be subject to the approval of said board. Schools must provide a separate room for class work and instruction and at least one separate room for supervised practice. Each school shall have in good working order all apparatus and equipment necessary for the full and ready teaching of all subjects included in the required curriculum. Schools must keep daily record of attendance and study of each student, of the hours spent in each practical operation, and the number of tests given. A monthly report of such attendance, study, practice and hours, attested to be correct by the signature of both the student and instructor, shall be mailed to the board at the end of each month. All records of a student's progress in the school shall be open for inspection by members of the board at any time during class hours. All brushes, combs, towels, instruments, and applicators must be cleaned and disinfected by a method approved by the board's rules and regulations, after each use. All students must wear clean and washable uniforms during class hours. Suitable containers for soiled towels, brushes, combs, and other soiled instruments must be provided, and suitable containers must be supplied for freshly laundered towels, and air-tight cabinets for disinfected utensils. Floors must have washable coverings. No person shall be engaged to instruct in any of the branches of hairdressing, and cosmetology or manicuring as defined in this act unless approved and licensed as a hairdresser instructor by the board after having passed an examination as such instructor and having paid the required fee, except that occasional lecturers on specialized subjects shall not require such examination, approval or license.

**9. Students and Apprentices.** Amend section 15 of said chapter 162 (section 14 of said chapter 155) by striking out the same and inserting in place thereof the following:

**15. Registration; Compensation.** All students enrolled in registered schools shall, within fifteen days after entering upon their course of study, be registered with the board by such school. Students at registered schools may, within such fifteen-day period, register with the board. Every apprentice must, within fifteen days after the beginning of his apprenticeship, file with the board the name and place of business of his employer, the date and commencement of such apprenticeship, and the full name, age and address of said apprentice. No fee shall be required for registration of students and apprentices. Students may practice on paying customers but only under the direct supervision of an instructor, and with the full understanding by the customer that the work is to be done by a student, and at a reduced price. An apprentice may practice on a paying customer after three months from enrollment date, but only under the direct supervision of his employer, and with the full understanding by the customer that the work is to be done by an apprentice, and at a reduced rate. A school or shop may pay a student or apprentice for any services rendered by him.

**10. Practical Experience.** Amend section 16 of said chapter 162 (section 15 of said chapter 155) by striking out the same and inserting in place thereof the following:

**16. Credit for.** Any student or apprentice eligible to take examination for a license as a hairdresser or manicurist may apply to said board for a permit to operate temporarily as such pending the holding of such examination. Such application shall be accompanied with a payment of ten dollars which shall be credited as the required examination fee. Thereupon, the board shall issue a permit to the applicant to engage temporarily in the practice of hairdressing or manicuring under the supervision of a licensed hairdresser and in a registered shop of this state. If, upon notice from the board, the applicant fails without just cause to take the examination, said permit shall terminate. If the applicant fails to pass the examination, the board in its discretion may grant a second temporary permit, under like conditions, which permit in all circumstances shall expire upon the holding of the next successive examination, unless just cause for failure to take the examination shall be shown to the satisfaction of the board. The work done by any student or apprentice under a



temporary permit shall be accredited by the board as practical experience hereinafter required relative to the issuance of a shop license.

**11. Shops and Establishments.** Amend section 17 of said chapter 162 (section 16 of said chapter 155) by striking out the same and inserting in place thereof the following: **17. Registration of.** Any licensed hairdresser or manicurist who has obtained a license as such, as above provided, and who has completed three months of actual employment in a shop either after receiving such license or while operating under a temporary permit, shall upon written application, accompanied by the required fees, receive a license to operate a shop in this state, provided said shop shall fulfill all requirements set forth in the rules and regulations of the board. Such license may thereafter be renewed upon payment of the renewal fee. In lieu of the practical experience herein required, the board may issue a shop license to any licensed applicant who had satisfactorily passed a special shop management examination given by the board. A shop license as herein provided may be issued for short terms not exceeding three months, upon payment of the required fee. Booths attached to or within a shop that are operated independently thereof shall be subject to registration fees in the same manner as an independent shop.

**12. Fees.** Amend section 19 of said chapter 162 (section 18 of said chapter 155) by striking out the same and inserting in place thereof the following: **19. Fees.** Except as herein otherwise provided, the fees established hereunder to be paid to said board shall be as follows:

Applicant	Original	Renewal
School .....	\$25.00	\$25.00
Shop (hairdresser) if application is made originally between April first and June thirtieth of any year.....	7.00	5.00
Shop (hairdressing) .....	10.00	5.00
Short-term shop (hairdressing or manicuring) .....	5.00	5.00
Manicuring shop .....	5.00	3.00
Hairdresser .....	5.00	2.00
Nonresident hairdresser .....	10.00	10.00

(After issuance of nonresident hairdresser's license if applicant subsequently becomes a <i>bona fide</i> resident of this state) renewal fee			\$2.00
Manicurist .....	\$3.00		2.00
Nonresident manicurist .....	5.00		5.00
(After issuance of nonresident manicurist's license if applicant subsequently becomes a <i>bona fide</i> resident of this state) renewal fee			2.00
Examination, including original license:			
Hairdresser .....	10.00		2.00
Manicurist .....	10.00		2.00
Hairdresser instructor .....	5.00		2.00
Shop management .....	10.00		5.00

**13. Health Standards.** Amend section 21 of said chapter 162 (section 20 of said chapter 155) by striking out said section and inserting in place thereof the following: **21. Required Certificates.** Before engaging in hairdressing or manicuring on paying customers every hairdresser, manicurist, student or apprentice shall secure from a physician a certificate stating that such person is not afflicted with tuberculosis, venereal disease in a communicable form, or with any other communicable disease. The original examination by the physician for such certificate shall include a Wasserman or similar blood test. When applying for renewal of any such license the applicant shall furnish from a physician a new certificate stating that such person is then free from any communicable disease. The board may, at any time require from any licensee a Wasserman or similar blood test. Said health certificates shall be on forms furnished by the board and shall be kept conspicuously posted with the license certificate provided under section 18 hereof.

**14. Takes Effect; Exceptions.** This act shall take effect upon its passage, provided, however, that any students or apprentices already enrolled as such or any person holding an operator's license, under the provisions of chapter 162, Laws of 1937, at the time of the passage of this act, shall not be required to have the additional educational or other qualifications herein provided, before receiving a hairdresser's license hereunder.

[Approved June 13, 1941.]

## CHAPTER 190.

AN ACT RELATING TO THE CONSTRUCTION OF AN AERIAL  
TRAMWAY ON MT. SUNAPEE IN THE TOWN OF  
NEWBURY.

*Be it enacted by the Senate and House of Representatives in  
General Court convened:*

**1. Declaration of Purpose.** It is hereby declared that the purposes of this act are to develop, promote and enhance the recreational resources of the state and further the public interest thereby.

**2. Aerial Tramway.** There shall be constructed on Mt. Sunapee in the town of Newbury an aerial tramway under the supervision of the New Hampshire aerial tramway commission.

**3. Powers.** The commission shall have power (1) to construct, maintain, reconstruct and operate an aerial tramway on Mt. Sunapee in the town of Newbury; (2) to acquire, hold, and dispose of personal property for the purposes hereof; (3) to acquire in the name of the state by purchase, condemnation, lease or otherwise, real property and rights or easements therein, deemed by it necessary or desirable for the purposes hereof, and to use such property; (4) to acquire any such real property by the exercise of the power of condemnation in the manner provided in sections 18 to 28 of chapter 19 of the Public Laws; (5) to charge and collect fees, fares and tolls for carriage and other services made available in connection with the tramway; (6) to make contracts on behalf of the state, with the United States, other states, public corporations or bodies existing therein, and private corporations and individuals; (7) to accept grants, permits and cooperation from the United States or any agency thereof in the construction, maintenance, reconstruction, operation, and financing of the tramway and its appurtenances and to do any and all things necessary in order to avail itself of such aid and cooperation; (8) to employ such assistants, agents and servants as it shall deem necessary or desirable for its purpose; (9) to exercise any of its powers in the public domain of the United States, unless the exercise of such powers is not permitted by the laws of the United States; and (10) to do all things necessary or incidental to the foregoing powers.

**4. Plans to be Submitted and Approved.** Plans and specifications for the location and construction of such tramway, termini and appurtenances shall be submitted to the forestry and recreation commission and the governor and council and approved by them before construction thereof shall be commenced. No changes shall be made in such plans and specifications so approved until such changes have been likewise submitted to the forestry and recreation commission and the governor and council and so approved by them. Nothing herein shall be construed to restrict in any way the authority of the tramway commission in the management, operation and control of the tramway, nor to limit the right of the tramway commission to enter into contracts for construction or for any other purposes. But the time for undertaking the construction of said tramway project shall be and hereby is left to the sole discretion and judgment of the governor and council.

**5. Control of Public Lands.** To the extent that it may be necessary to carry out the provisions of this act, the commission shall have power to use and control public lands of the state. Forthwith upon the acquisition by the commission in the name of the state through purchase, condemnation or otherwise of any real property or interest or easement therein, such property or rights shall, without further action, and by virtue of this act, be and become dedicated to the uses and purposes of the commission.

**6. Appropriation.** A sum not exceeding three hundred seventy-five thousand dollars is hereby raised, as hereinafter provided, and appropriated for the purposes aforementioned.

**7. Bonds or Notes Authorized.** The state treasurer is hereby authorized, under the direction of the governor and council, to borrow upon the credit of the state, not exceeding three hundred and seventy-five thousand dollars for the purpose of carrying into effect the provisions of this act and for that purpose may issue bonds or notes in the name and on behalf of the state of New Hampshire at a rate of interest to be determined by the governor and council. The maturity dates of such bonds or notes shall be determined by the governor and council but in no case shall they be later than twenty years from the date of issue. Such bonds or notes may be renewed from time to time by the issuance of other such

bonds or notes in the same manner but the maturity dates of such renewed bonds or notes shall not be later than twenty years from the date of the issue of the original bond or note renewed thereby. All such bonds or notes shall contain an express guarantee which shall be deemed a contract on the part of the state that fees, fares and tolls will be collected in accordance with the provisions hereof until the date of maturity of said bonds or notes, or the renewals thereof, or until sufficient money shall have accumulated to pay said notes or bonds and the interest thereon at the dates of maturity, shall be in such form and such denominations as the governor and council shall determine, may be registerable as to both principal and interest, shall be countersigned by the governor and shall be deemed a pledge of the faith and credit of the state. The secretary of state shall keep an account of all such bonds or notes countersigned by the governor, showing the number and amount of each bond or note, the time of countersigning, the date of delivery to the treasurer and the date of maturity. The state treasurer shall keep an account of each bond or note showing the number thereof, the name of the person to whom sold, the amount received for the same, the date of the sale and the date of maturity. The treasurer may negotiate and sell such bonds or notes by direction of the governor and council in such manner as they may determine most advantageous to the state. The proceeds of the sale of such bonds or notes shall be held by the treasurer and paid out by him upon warrants drawn by the governor for the purposes of this act alone and the governor, with the advice and consent of the council, shall draw his warrants for the payment from the funds provided for herein of all sums expended or due for the purposes herein authorized.

**8. Short-Term Notes.** Prior to the issuance of bonds or notes hereunder the treasurer, under the direction of the governor and council, shall for the purposes hereof borrow money from time to time on short-term loans to be refunded by the issuance of the bonds or notes hereunder.

**9. Revenue.** There shall be collected for carriage upon the tramway provided for herein and for other services made available therewith such fares, tolls and charges as the commission shall deem reasonable. Such sums as are so collected shall be deposited with the state treasurer who shall keep the

same in a separate account. Operating expenses, depreciation and upkeep of said tramway and services shall be charged to or paid from said account and from the balance of said account after the deductions hereby authorized the governor, with the approval of the council, shall pay the interest and principal of the bonds or notes issued hereunder as the same become due and payable. From the balance of said special account after the payment of expenses, depreciation, upkeep and services, and the annual interest and bond or note charges, a sum not to exceed ten thousand dollars for each of the fiscal years ending June 30, 1943, 1944, 1945, and 1946 may be retained in said account and paid out by the commission, with the approval of the governor and council, for permanent improvements and additional facilities at the tramway. During the construction of the tramway the governor may, if necessary, draw his warrant upon the general fund to pay the interest due upon any bonds or notes that have been issued in accordance with the provisions hereof, but reimbursement for such payments shall be made to the general fund from revenue in the special fund herein created. When the principal and interest of all notes and bonds authorized hereunder have been paid, or sufficient money has accumulated in said special fund to pay the same, the balance of the special fund herein provided, after the payment of charges as herein authorized, shall be paid at such times as the governor and council shall direct into the general funds of the state.

**10. Separability Clause.** If any provision of this act, or the application thereof to any person or circumstance, is held invalid, the remainder of the act, and the application of such provision to other persons or circumstances, shall not be affected thereby.

**11. Takes Effect.** This act shall take effect upon its passage.

[Approved June 13, 1941.]

## CHAPTER 191.

## AN ACT RELATING TO LEGACY RECEIPTS.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1. Minors not Under Legal Guardianship.** Amend section 18-a of chapter 307 of the Public Laws, as inserted by chapter 37 of the Laws of 1937 (section 20, chapter 351, commissioners' report) by striking out said section and inserting in place thereof the following: **18-a. Probate Receipts.** Whenever any minor not being under legal guardianship shall be entitled to receive from any administrator or executor any distributive share as heir or next of kin, or any legacy, the full amount of which share or legacy is not more than two hundred dollars, said administrator, or executor, upon petition to and approval of the probate court shall pay said sum to the parents of said minor, if both are living, or to the surviving parent, if one parent is deceased, or to the parent, or other person, having custody of said minor, if the parents are divorced, and the receipt of said parents or parent or other person shall be filed and accepted by the probate court in discharge of the administrator's or executor's liability therefor in the same manner and effect as though said parents or parent or other person had been legally appointed guardian by the probate court. Publication of notice upon the petition to the probate court shall not be required unless ordered by the court.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved June 13, 1941.]

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CHAPTER 192.

## AN ACT RELATIVE TO THE RETIREMENT SYSTEM FOR FIREMEN.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1. Firemen's Retirement System.** Amend section 1 of chapter 154 of the Laws of 1939 (chapter 213, commissioners' report) by striking out the word "permanent" in the third line and by inserting after the word "permanently" in the

ninth line the words, and totally, so that said section as amended shall read as follows: **1. Declaration of Policy.** The public welfare requires that a system of retirement benefits shall be established to compensate the firemen of this state for their future public services rendered in the performance of their duties of saving life and property within this state; and that suitable compensation shall be provided for the firemen of this state or their dependents whenever such firemen shall be permanently and totally disabled or killed in line of duty.

**2. Definitions.** Amend paragraph II of section 2 of said chapter 154 by striking out said paragraph and inserting in place thereof the following: II. "Association" shall mean the New Hampshire State Permanent Firemen's Association.

**3. State Association.** Amend section 3 of said chapter 154, by inserting after the word "Hampshire" in the eighth line the word, State, so that said section as amended shall read as follows: **3. Retirement Board.** The administration of the retirement system created by this act is hereby vested in a board to be known as The Permanent Firemen's Retirement Board, consisting of five members. The comptroller, the commissioner of insurance, and the state treasurer shall be *ex-officio* members of this board. The remaining positions on the board shall be filled in the following manner: The members of the New Hampshire State Permanent Firemen's Association shall annually nominate from their number a panel of five persons, a list of which shall be filed with the retirement board. From this panel the governor and council shall originally appoint two persons, and thereafter one annually, to the board. Members of the association appointed to the board in the manner aforesaid shall serve for the term of two years except that the original appointments shall be for one and two years respectively. Each member of the association so appointed shall hold office until his successor shall have been appointed and qualified. Until the appointment of two members of the association to the board, the *ex-officio* members of the board are hereby empowered to perform all the duties of the full retirement board. Whenever a vacancy occurs in the retirement board by the reason of the death, resignation or inability to serve, of either of the two members of the association serving on said board, the governor and council shall fill the vacancy



by appointing one person from the panel hereinbefore mentioned to serve for the unexpired term created by said vacancy. The members of the retirement board shall serve without compensation, but shall be reimbursed for actual and necessary expenses incurred by them in the discharge of their official duties.

**4. Amendment.** Amend section 4 of said chapter 154 by striking out said section and inserting in place thereof the following: **4. New Hampshire State Permanent Firemen's Association.** All permanent firemen in this state who are under seventy years of age at the time of the passage of this act and who accept the provisions of this act by making application to the retirement board and by agreeing to abide by such rules and regulations as it may prescribe pursuant to this act, are entitled to the benefits of this act except as provided in section 4-a. All applications to the retirement board must be made within thirty days after the passage of this act, provided, however, that all persons who are not permanent firemen at the date of the passage of this act, but who thereafter become permanent firemen, shall make application to the board not later than thirty days after becoming permanent firemen. All permanent firemen who fail to accept this act within the time limits specified shall be ineligible to receive the benefits of this act. Permanent firemen accepting the provisions of this act shall give notice of such acceptance to the treasurer or other disbursing officer of the city, town or precinct which employs them.

**5. Age Limitation.** Amend said chapter 154 by inserting after section 4 the following new section: **4-a. Exception.** No person becoming a permanent fireman at or after the time this section takes effect shall be entitled to the benefits under said chapter 154 unless he is, at least, of an age thirty years less than the optional age of retirement in effect at the time of his application.

**6. Amendment.** Amend section 5, of said chapter 154, by striking out after the word "all" in the second line the word, permanent, so that said section as amended shall read as follows: **5. Duties of the Retirement Board.** The retirement board shall supervise the collection of assessments on all firemen accepting the provisions of this act, and the payment of retirement benefits and other compensation under this act.

To carry out the purposes of this act, the board may make all manner of reasonable rules and regulations not inconsistent with the provisions of this act. The board shall employ a secretary at a salary to be approved by it, whose duty it shall be to keep a record of all its proceedings and to perform such administrative duties as it may direct. The expenses of administration of this act shall be paid out of the retirement fund hereinafter provided for.

**7. Amendment.** Amend section 6 of said chapter 154, by striking out after the word "each" in the second line the word, permanent, so that said section as amended shall read as follows: **6. Individual Accounts.** The retirement board shall establish and keep a record of the individual account of each fireman accepting the provisions of this act. Each individual account shall state the fireman's age, annual salary, length of service, date of retirement, total payments to the retirement fund, and total benefits or compensation received by such fireman.

**8. Retirement Fund.** Amend section 7 of said chapter 154, by striking out said section and inserting in place thereof the following: **7. Retirement Fund.** The retirement benefits and other compensation provided for by this act shall be paid out of a retirement fund which shall be made up from the funds available from the following sources: I. The moneys heretofore or hereafter appropriated by the legislature to carry out the provisions hereof. II. The moneys received from assessments from firemen as provided in section 7-a. III. The moneys received from assessment from towns, cities or precincts as provided in section 7-b. IV. Any donations made to said fund as provided in section 8.

**9. Additional Assessments.** Amend said chapter 154 by inserting after section 7 the following new sections: **7-a. Assessments from Firemen.** At the beginning of each fiscal year the retirement board shall fix the assessment upon the annual salaries of all permanent firemen who accept the provisions of this act. The rate of assessment shall be four per cent of each permanent fireman's annual salary. The board shall, in such manner as it may prescribe, give notice of the amount of assessment on each permanent fireman's salary to the treasurer or other disbursing officer of the city, town or precinct where such permanent fireman is employed.

All assessments under this section and the following section shall be payable in equal monthly installments on the last business day of each calendar month. It shall be the duty of the treasurer or other disbursing officer of a city, town or precinct which employs permanent firemen who accept the provisions of this act, to withhold from the monthly salary of each such permanent fireman, and to pay to the retirement board an amount equal to the monthly assessment against such permanent fireman's salary, as before provided. All permanent firemen who shall accept the provisions hereof, by such acceptance agree that the treasurer or other disbursing officer shall have the power to withhold from their monthly salaries the amounts as aforesaid. **7-b. Assessments from Towns, Cities or Precincts.** At the beginning of each fiscal year the retirement board shall assess upon the various cities, towns or precincts in the state employing permanent firemen, who have made application to the benefits of this act, two per cent of the payroll of the permanent firemen of such city, town or precinct who are entitled to such benefits, provided that, if the board finds that the assessment upon each permanent fireman's annual salary together with the assessment upon the towns, cities and precincts and the contribution from the state will not be sufficient to keep this retirement system in a sound financial condition the board may assess such further sum against said cities, towns and precincts as, in the judgment of the board, may be necessary for said purpose. It shall be the duty of the treasurer or other disbursing officer to pay to the retirement board the sum assessed against said city, town or precinct, and said city, town or precinct is hereby authorized and directed to appropriate the sums necessary for said assessments.

**10. Change in Dates.** Amend section 10 of said chapter 154 by striking out in the third line the word and figure "January 1" and inserting in place thereof the word and figure, July 1, and by inserting after the word "of" in the tenth line the words, his chief and the recommendation of, so that said section as amended shall read as follows: **10. Retirement.** No retirement under this act may take place before January 1, 1940, and no voluntary retirements may take place before July 1, 1942. Any permanent fireman who accepts the provisions of this act may retire from active serv-

ice at the age of sixty-five provided he has served as a permanent fireman for a period of twenty years. All permanent firemen who accept the provisions of this act and who have served as permanent firemen for twenty years shall retire from active service at the age of seventy. Upon the recommendation of his chief and the recommendation of the association that any permanent fireman, who has accepted this act, is capable of further rendering satisfactory service, the retirement board may extend the age of compulsory retirement for such fireman for five years. Any permanent fireman accepting the provisions of this act and having served for twenty years, who shall be dismissed from service after having reached the age of sixty-five shall be entitled to the benefits of this act. Upon retirement a permanent fireman shall no longer be obligated to pay assessments to the retirement fund. Call firemen who become permanent firemen may have one-half of their term of service as call firemen counted as part of their term of service as permanent firemen, provided that the five years immediately preceding retirement shall have been permanent services. The probationary periods of permanent firemen shall be counted as part of their term of service.

**11. Application.** Amend said chapter 154 by adding after section 10 the following new section 10-a: **10-a. Limitation.** The provisions of section 10 relative to credits for probationary periods and call firemen service shall be effective only in case of firemen who applied for benefits under this act prior to August 1, 1939, and shall not apply to firemen who became entitled to such benefits after that date.

**12. Computation of Benefits.** Amend section 11 of said chapter 154 by striking out said section and inserting in place thereof the following: **11. Retirement Benefits.** Any permanent fireman who retires or is dismissed from active service as provided in section 10, and who shall have complied with all provisions of this act and with the rules and regulations of the board, shall be entitled to receive from said board for each year during the remainder of his natural life, a sum equal to one-half the average actual salary, based upon the total salary earned over the period of years of service beginning with the date this section becomes effective to the date of retirement or dismissal as determined by the board; but at

no time shall retirement benefits exceed one thousand two hundred fifty dollars per year, based upon a maximum assessable yearly salary of two thousand five hundred dollars. The maximum yearly assessable salary shall not apply to those members, who as of the date this section becomes effective earned a yearly salary above two thousand five hundred dollars and were applicants to the act at that time; their retirement benefits shall be based as above upon one-half their total salary earned to the date of their retirement. This sum shall be paid to the retired member in as nearly equal monthly installments on the first business day of each calendar month. No permanent fireman, who has been retired under the provisions of this act, shall be paid for any service performed in the fire department during the time of his retirement unless it be for specific duty during a period of public emergency.

**13. Compensation.** Amend section 12 of said chapter 154 by striking out said section and inserting in place thereof the following: **12. In Case of Death or Total and Permanent Disability.** A fireman accepting the provisions of this act, who shall have become totally and permanently disabled because of injury received in line of duty, shall receive in case of a permanent fireman an annual sum equal to one-half his annual salary at the date of his disability and in case of a call, volunteer, or substitute fireman, an annual sum equal to one-half the annual salary allowed to permanent firemen of same grade in same department to which said fireman belonged, or in nearest fire department employing permanent firemen, for the duration of such permanent disability, provided that at any time such sum shall not exceed one thousand two hundred fifty dollars per year. Firemen shall be acknowledged as performing their duty when they are going to, returning from or working at a fire or other public emergency; when performing all work within the scope of employment of the firemen under the express or implied authority of a superior officer; and in such other cases as the board may from time to time decide to be for the public interest. The fact of permanent disability may be established by the certificate of a physician designated by the board. In case a fireman accepting the provisions of this act shall die as the result of injury received in line of duty, his widow or if none, his minor child or children shall receive an annual sum equal to the compensation allowed

under permanent and total disability for either permanent or call fireman, as the case may be, until in case of a widow, she dies or remarries, or, in case of minor child or children, the board in its discretion shall pay such sum as a joint and survivor annuity, until such child dies or attains the age of eighteen years, and in case there is no wife, child, or children under the age of eighteen surviving such member, then to his totally dependent father or mother, or both, and the survivor of either one of them, as the board in its discretion shall determine, during dependency, and until remarriage of either.

**14. Call, Volunteer and Substitute Firemen.** Amend section 13 of said chapter 154 by striking out said section and inserting in place thereof the following: **13. Eligibility and Application for the Benefits of this Act.** Call, volunteer or substitute firemen to be eligible to the benefits of this act must be accepted by their respective city, town, precinct or organized volunteer company. All call, volunteer or substitute firemen who desire the benefits of this act shall make application to the retirement board and pay the sum of three dollars per year, said amount to be paid in one sum, and shall give notice of their application for the benefits of this act to the treasurer or other disbursing officer of the city, town or precinct which employs them. The chief, clerk or other responsible officer of a fire company whose members have applied for the benefits of this act shall forward to the secretary of the board, on a form approved by the board, the number and the names of such members as of July first of every year and shall also notify the board of any dismissals, resignations or deaths during the year of any of its members who were eligible to the benefits of this act. New members applying for the benefits of this act during the fiscal year, who are not replacing former members of their company who had applied for benefits of this act, shall be assessed the full amount as stated above, if their applications are received on or before December thirty-first of any year, but their protection under the act shall run only to June thirtieth of the following year or to the beginning of the new fiscal year. All new members who are not replacing former members during the fiscal year whose applications are received on or after January first of any year shall be assessed one-half the amount stated above and shall be protected only to June

thirtieth of the same year or to the beginning of the new fiscal year. Members, who during the fiscal year, are replacing members who had accepted the benefits of this act but who are no longer members of the fire department, shall not be assessed, but shall be entitled to the benefits of this act to June thirtieth of the same fiscal year for which the member whom they are replacing, was eligible. All assessments from call, volunteer or substitute firemen, for any fiscal year beginning July first to June thirtieth of the following year, shall be paid on or before June thirtieth of that fiscal year in which application or renewal of application is received by the board; with the exception, that, in case of total and permanent disability or accidental death of any member, who has made application for the benefits of this act, benefits accruing to such member or to his beneficiary shall not be paid until his assessment for that fiscal year has first been received by the board.

**15. Change of Status.** Amend section 14 of said chapter 154 by striking out said section and inserting in place thereof the following: **14. Resignation, Dismissal, Reinstatement and Withdrawal.** Any permanent fireman accepting the provisions of this act who shall retire, withdraw or be dismissed from service, and the personal representatives of any such permanent fireman who may die while in active service from causes not due to fire duty as described in section 12, shall be entitled to receive from the board all payments made thereto by him with interest at such rate as the board may prescribe. The estate of any retired permanent fireman who may die while in retirement, and whose retirement benefits to the time of death should be less than his total payments, plus interest, to the board, shall be entitled to receive from the board an amount which shall be the difference if such exists, between such fireman's total payments, plus interest, to the board and his total benefits received while on retirement to the time of his death. Upon retirement or dismissal from service a permanent fireman shall no longer be obligated to pay assessments to the fund. Any permanent fireman, resigned or dismissed from service as aforesaid, may if he thereafter re-enters service as a permanent fireman, be reinstated to the benefits of this act upon payment to the board of all assessments, which might have been assessed against him plus

accumulated interest, at such rate as the retirement fund is earning on its own investments for the year previous to the date of reinstatement, from the date of his original acceptance of this act to the date of his reinstatement to the benefits of this act. Notice of dismissal or death, not due to fire duty as described in section 12, of a permanent fireman, who has accepted the provisions of this act, shall be sent to the board by the chief, clerk or other responsible officer of city, town or precinct by whom said fireman was employed.

**16. Exemptions; Exceptions.** Amend section 15 of said chapter 154 by striking out said section and inserting in place thereof the following: **15. Exemption; Exception.** The payments made by permanent firemen to the retirement board and the benefits or compensation received under this act shall be exempt from taxation, attachment and the operation of laws relating to insolvency or bankruptcy. No assignment or compensation due under this act shall be valid unless approved by the board. No claim for total and permanent disability under this act shall be valid unless such disability shall be immediate and continuous from the date of injury received in line of duty, and no claim for death shall be valid unless such death shall be immediate or preceded by total and continuous disability from such date.

**17. Takes Effect.** This act shall take effect upon its passage.

[Approved June 13, 1941.]

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## CHAPTER 193.

AN ACT TO PROVIDE FOR THE PUBLICATION AND DISTRIBUTION OF  
THE REVISED LAWS OF THE STATE OF NEW HAMPSHIRE.

*Be it enacted by the Senate and House of Representatives in  
General Court convened:*

**1. Preparation for Publication.** The commission appointed under the provisions of chapter 214, Laws of 1939, to revise, codify and amend the Public Laws is authorized and directed to prepare for publication, and to publish, the act passed at this session entitled, "An Act to revise, codify and amend the Public Laws of The State of New Hampshire." In such preparation it is authorized to make corrections in the num-



bering and headings of the titles and chapters; in the numbering and sub-titles of sections and in the references thereto; to correct errors in typography and punctuation; to insert in the appropriate place in the act such parts of the Public Laws as have been incorporated by reference; to insert in the appropriate place in the act any legislation of this session which has not been included in the body of the act and to make such changes in the body of the act as are required thereby. The constitution of the state and amendments thereto shall be inserted in the publication. The commission shall cause to be prepared by such means as it shall judge suitable, and to be inserted in the publication, a complete index of all the subjects embraced therein.

**2. Publication.** The whole act together with the changes, additions and corrections authorized by section 1 shall be published in one or more volumes as the commission shall determine, having the same size of page and general style of printing as the commissioners' report. The complete publication shall be entitled and cited as "Revised Laws of The State of New Hampshire."

**3. Number Issued, Distribution.** The commission shall contract for the printing of an edition of three thousand copies and for the binding of fifteen hundred copies in good law buckram. The bound volumes and unbound sheets shall be delivered to the secretary of state for distribution by him.

**4. Appropriation.** For the completion, printing, and publication of said act, the reimbursement of the commissioners for their reasonable expenses, including stenographic services, and the compensation of the commissioners for their services in carrying out the provisions of this act, the sum of twenty-five thousand dollars is hereby appropriated for the fiscal year beginning July 1, 1941, and the sum of five thousand dollars, or so much thereof as may be necessary, is hereby appropriated for the fiscal year beginning July 1, 1942, and any sum not expended in the first fiscal year may be added to the appropriation for the succeeding fiscal year. The commission may also use any sum which may remain unexpended from the sums appropriated by chapter 214 of the Laws of 1939.

**5. Sales.** The secretary of state shall sell bound copies of the volumes comprising the Revised Laws to those applying therefor at prices to be fixed by the governor and council and

may sell to dealers buying for resale at such discount from the general retail price as the governor and council may approve; but such sales shall not exceed twenty-five volumes or sets in a single sale and shall be made only to dealers who agree to resell such volumes at retail at the general retail price established by the governor and council. When the supply of bound volumes is exhausted, the secretary of state shall cause additional copies to be bound in the manner usually employed by him in the binding of the session laws.

**6. Laws of 1941.** The public and private acts and resolves of the session of 1941 shall be published in a separate volume by the secretary of state. This volume shall not include "An Act to revise, codify and amend the Public Laws of The State of New Hampshire," the publication of which is herein authorized to be published as the Revised Laws.

**7. Takes Effect.** This act shall take effect upon its passage.

[Approved June 13, 1941.]

### CODE OF REVISED LAWS

The Revised Laws, effective January 1, 1942, publication of which is provided for in the above Chapter 193, were an act of the Legislature of 1941 approved June 13, and omitted from this volume.

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### CHAPTER 194.

#### AN ACT AUTHORIZING THE STATE OF NEW HAMPSHIRE TO TAKE OVER THE WARREN-WOODSTOCK ROAD IN THE TOWNS OF WARREN AND WOODSTOCK FOR THE PURPOSE OF MAINTENANCE.

*Be it enacted by the Senate and House of Representatives in  
General Court convened:*

**1. Highway Maintenance.** That the Warren-Woodstock road, from its junction with the road leading to the C. C. C. Camp at East Warren to its junction with the Lost River road in North Woodstock, a distance of approximately ten and one-half miles, shall hereafter be maintained by the state of New Hampshire under the direction of the state highway commissioner and the expense shall be a charge upon the highway

funds. This highway shall be called The Sawyer Highway in honor of Harry Sawyer of Woodstock.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved June 13, 1941.]

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## CHAPTER 195.

### AN ACT PROVIDING FOR THE ACCEPTANCE OF A GIFT OF LAND FROM THE ST. REGIS PAPER COMPANY AND THE CONNECTICUT RIVER POWER COMPANY FOR THE PURPOSE OF A STATE FOREST RESERVATION.

WHEREAS, the St. Regis Paper Company and the Connecticut River Power Company have agreed to transfer to the state of New Hampshire for the consideration of ten dollars, all their right, title and interest in and to a tract of land one thousand feet in width from a point near the Second Lake dam in the town of Pittsburg and continuing southerly through said town for approximately four miles to the Baldwin estate, so called, subject to the following conditions, namely:

I. No buildings or structures shall be erected on the deeded area, except there shall be allowed to be erected on said strip any necessary official state buildings.

II. The said land shall be maintained as a state forest reservation and park.

III. The area deeded shall be suitably policed and patrolled for fire protection.

IV. The St. Regis Paper Company and the Connecticut River Power Company reserve the right to cross and recross this deeded area at points where in their opinion it is necessary in order to properly operate their respective surrounding timber limits.

V. No signs shall appear on the deeded area, except state direction or protective signs.

VI. In the event that the area is abandoned by the state as a forest reservation and park it shall revert to the St. Regis Paper Company and the Connecticut River Power Company, respectively, as their interests in said area now exist. Now Therefore

*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1. Gift Accepted.** The governor and council are hereby empowered to accept on behalf of the state deeds from the St. Regis Paper Company and the Connecticut River Power Company of their respective interests in the tract of land in the town of Pittsburg, hereinbefore described, subject to said conditions and reservations, for the purpose of a state forest reservation and park. Said tract of land when acquired by the state shall be a continuation of the state forest reservation and park acquired by the state from the New Hampshire-Vermont Lumber Company, under the provisions of chapter 92 of the Laws of 1935, and the maintenance of said forest reservation and park area shall be under the supervision of the forestry and recreation commission.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved June 13, 1941.]

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## CHAPTER 196.

AN ACT RELATIVE TO WARD 14 IN THE CITY OF MANCHESTER.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1. Ward 14, City of Manchester.** Amend section 18 [19] of chapter 22 of the Public Laws (section 18, chapter 30, commissioners' report) by striking out the words "and eleven" and inserting in place thereof the words, eleven and fourteen, so that said section as amended shall read as follows: 18. [19]. Senatorial District 18. Senatorial district number eighteen contains Wards five, seven, eight, eleven and fourteen of Manchester.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved June 13, 1941.]

## CHAPTER 197.

AN ACT PROVIDING FOR THE OPERATION AND REGULATION OF  
PIPE LINES FOR THE TRANSPORTATION OF PETROLEUM  
AND ITS BY-PRODUCTS.

WHEREAS the present emergency has created a shortage in tank cars, tank ships and other facilities for the transportation of petroleum and its by-products for domestic and national defense purposes with the result that the safety and economic welfare of the citizens of this state and of the nation are being jeopardized, and

WHEREAS the construction of pipe lines for the transportation of such petroleum and its by-products in and through this state will tend to alleviate the ill effects of such shortage and promote the interests of national defense and the safety and welfare of the citizens of this state; now therefore,

*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1. Definition.** Amend section 4 of chapter 236 of the Public Laws, as amended by chapter 114, Laws of 1935 (section 4 of chapter 276 of the commissioners' report) by striking out said section and inserting in place thereof the following: **4. Public Utility.** The term public utility shall include every corporation, company, association, joint stock association, partnership and person, their lessees, trustees or receivers appointed by any court, except municipal corporations, owning, operating or managing any plant or equipment or any part of the same for the conveyance of telephone or telegraph messages or for the manufacture or furnishing of light, heat, power or water for the public, or in the generation, transmission or sale of electricity ultimately sold to the public, or owning or operating any toll bridge or toll road, or owning or operating any steam or other power boat engaged in the common carriage of passengers or freight or owning or operating any pipe line, including pumping stations, storage depots and other facilities, for the transportation of crude petroleum and refined petroleum products or combinations thereof.

**2. Taxation.** Amend section 7 of chapter 60 of the Public Laws (section 8 of chapter 73 of the commissioners' report) by

striking out said section and inserting in place thereof the following: **7. Electric Plants and Pipe Lines.** Lands, dams, canals, water power, pipe lines, buildings, structures, machinery, dynamos, apparatus, poles, wires, fixtures of all kinds and descriptions owned, operated and employed by any one other than a municipal corporation in generating, producing, supplying and distributing electric power or light, or in transporting crude petroleum and refined petroleum products or combinations thereof, shall be taxed as real estate in the town in which said property or any part of it is situated.

**3. Eminent Domain Proceedings.** Amend chapter 244 of the Public Laws by inserting after section 7 (section 14, chapter 285, commissioners' report) the following new section: **7-a. Pipe Line Companies.** Whenever any pipe line company, from any cause, shall be unable to acquire lands necessary to its purposes by purchase, lease or otherwise, it may institute proceedings for condemnation thereof in the manner herein provided in lieu of the proceedings provided in sections 1 to 7, inclusive, of this chapter.

I. Said pipe line company shall cause a plan or location of the real estate proposed to be taken to be prepared and a copy thereof filed with the clerk of the superior court for each county in which any of such real estate is located and shall apply by petition to the superior court for the county in which such real estate is located, to acquire said real estate for the purposes of such pipe line and to have assessed the damages occasioned by the taking. Such petition shall state the name and residence so far as known to said pipe line company of all persons claiming ownership of or interest in the real estate proposed to be taken. Where such real estate is located in more than one county the petition may be filed in either county.

II. The superior court, upon the filing of any such petition, shall order notice thereof to be given to all persons claiming ownership of or interest in such real estate to appear and present their claims at a time and place to be stated in the notice, by publication, and an attested copy of such notice shall be given in hand to, left at the usual place of residence or business of, or sent by registered mail to the last known address of all claimants whose names appear in the petition,

fourteen days at least before the said date of hearing. The superior court, after notice to all parties interested, shall hear the preliminary questions, if any, and all issues relating to title, and shall determine the rights and interests of any and all parties, and the findings and decree relating to such issues shall be final and subject to review only upon questions of law.

III. Upon final determination of any and all of said questions, the superior court shall unless the parties elect a trial by jury, appoint a commission consisting of three suitable persons to assess the damages occasioned by the taking. The commissioners, upon reasonable notice to all interested parties and after hearing, shall assess the damages and make report of such assessment to the superior court, and such action shall be taken thereon as justice may require. If either party shall so elect, before reference of such petition to a commission, the damages occasioned by the taking shall be assessed by jury.

IV. In trying any question of damages before said commissioners or by jury, the appraisal for taxation of such real estate, and in cases where less than the whole interest in real estate is sought to be acquired, the appraisal for taxation of such whole interest, by the selectmen or tax assessors for the tax year in which such application shall have been filed, and for as many preceding years as the commissioners or the court may consider relevant, shall be competent as evidence of value. The damages as determined shall be awarded to the owner or apportioned among the several owners in accordance with their several interests as determined and judgment shall be entered accordingly.

V. Said pipe line company at any time after filing such petition may enter upon and take possession of the real estate upon providing such security as justice may require, to pay any damages occasioned by the entry or to satisfy any judgment which may be rendered on the petition. The amount of the security and all questions relating thereto may be determined by the superior court upon application of either party. The title to the real estate shall, upon payment or tender of the damages occasioned by the taking, be vested in the pipe line company. For purposes of surveying and other investigation, said pipe line company shall be entitled to enter upon any real estate, doing no unnecessary damage, and the

owner thereof may, if the parties are unable to agree, recover any damages sustained by him by reason of any preliminary entry authorized by this section, by action at law against said pipe line company.

**4. Takes Effect.** This act shall take effect upon its passage.

[Approved June 13, 1941.]

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## CHAPTER 198.

### AN ACT RELATING TO LIABILITY INSURANCE.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1. Motor Vehicle Liability Insurance.** Amend section 17 of chapter 161 of the Laws of 1937 (commissioners' report, chapter 122, section 16) by striking out the same and inserting in place thereof the following: **17. Required Provisions.** A motor vehicle liability policy shall be subject, with respect to accidents which occur in New Hampshire and within limits of liability required by this chapter, to the following provisions which need not be contained therein:

I. The liability of any company under a motor vehicle liability policy shall become absolute whenever loss or damage covered by said policy occurs, and the satisfaction by the insured of a final judgment for such loss or damage shall not be a condition precedent to the right or duty of the company to make payment on account of said loss or damage. No agreement between the company and the insured after the insured has incurred liability for loss or damage covered by the policy shall operate to defeat the company's liability to pay for such loss or damage. Upon the recovery of a final judgment against any person for any loss or damage specified in this section, if the judgment debtor was, at the accrual of the cause of action, protected against liability therefor under a motor vehicle liability policy, the judgment creditor shall be entitled to have the insurance money applied to the satisfaction of the judgment.

II. The policy, the written application therefor, if any, and any rider or indorsement, which shall not conflict with the provisions of this chapter, shall with the provisions of



this section and any other applicable statutes constitute the entire contract between the parties.

III. With respect to accidents which occur within this state and subject to the minimum limits of liability validly made under the authority of paragraph VII of section 1 of this chapter the policy is to be interpreted with reference hereto and the liability of the company under the policy shall thereby become absolute upon the occurrence of such an accident; no statement made by the insured or on his behalf, and no violation of exclusions, conditions, other terms or language contained in the policy, and no unauthorized or unlawful use of the vehicle except as provided in paragraph VI of this section, whether or not a premium charge has been made and paid, shall operate to defeat or avoid the policy so as to bar recovery for such accidents within said limits of liability.

IV. If the death, insolvency or bankruptcy of the insured shall occur within the policy period, the policy during the unexpired portion of such period shall cover the person or persons entitled to possession of the vehicle of the insured. Such policy shall contain such provisions, not inconsistent with this chapter, as shall be required by the insurance commissioner.

V. Damages shall not be assessed except by special order of the court in an action of tort, payment of the judgment wherein is secured by a motor vehicle liability policy or a motor vehicle liability bond, as defined in section 1, and wherein the defendant has been defaulted for failure to enter an appearance until the expiration of thirty days after the plaintiff has given notice of such default to the company issuing or executing such policy or bond and has filed an affidavit thereof. Such notice may be given by mailing the same, postage prepaid, to the said company or to its agent who issued or executed such policy or bond. Upon receipt of information and having become satisfied that the insured has failed to comply with the terms of his policy in regard to notice to the company of an accident, the commissioner shall revoke his license and registration for such period as the commissioner shall determine.

VI. The insurance applies to any person who has obtained possession or control of the motor vehicle of the in-

sured with his express or implied consent even though the use in the course of which liability to pay damages arises has been expressly or impliedly forbidden by the insured or is otherwise unauthorized. This provision, however, shall not apply to the use of a motor vehicle converted with the intent wrongfully to deprive the owner of his property therein.

**2. Prohibition.** Amend section 19 of chapter 161 of the Laws of 1937 (commissioners' report, chapter 122, section 18) by striking out the same and inserting in place thereof the following: **19. Prohibition.** No motor vehicle liability policy other than that defined in section 1 shall be issued or delivered in this state, either before or after requirement of security and proof, by any authorized insurance company, except that such an authorized insurance company may issue and deliver what is known as a Standard Automobile Liability Policy by having attached thereto an indorsement meeting the requirements of this chapter, such indorsement to be in such form as the insurance commissioner shall prescribe and to be known as the New Hampshire Statutory Motor Vehicle Liability Policy Indorsement. The insurance commissioner shall approve such policy, indorsements and binders as shall meet the requirements of this chapter, and may, from time to time as he may find the public good requires, change the form and provisions in policies, indorsements and binders and the terms and conditions thereof.

**3. Accidents in the State.** Amend section 20 of chapter 161 of the Laws of 1937 (commissioners' report, chapter 122, section 19) by inserting after the word "incurred," in the third line, the words, as a result of accidents which occur in New Hampshire, so that said section as amended shall read as follows: **20. Amount of Proof Required.** Proof of financial responsibility shall mean proof of ability to respond in damages for any liability thereafter incurred, as a result of accidents which occur in New Hampshire, arising out of the ownership, maintenance, control or use of a motor vehicle, trailer or semi-trailer in the amount of five thousand dollars because of bodily injury or death to any one person, and subject to said limit respecting one person, in the amount of ten thousand dollars because of bodily injury to or death to two or more persons in any one accident, and in the amount of one thousand dollars because of injury to and destruction of prop-

erty in any one accident. Whenever required under this chapter such proof in such amounts shall be furnished for each motor vehicle, trailer or semi-trailer registered by such person.

**4. Definitions.** Amend section 1 of chapter 161 of the Laws of 1937 (commissioners' report, section 1, chapter 122) by striking out in the said section 1, paragraphs VI, VII and VIII, and inserting in place thereof, the following: VI. "Certificate," the certificate of an insurance company authorized to transact the business specified in chapter 279 of the Public Laws that it has issued to or for the benefit of the defendant a motor vehicle liability policy as hereinafter defined covering the use of the motor vehicle, trailer or semi-trailer involved in the accident as a result of which the action at law to recover damages referred to in section 6 was commenced as respects such accident; or the certificate of a surety company authorized to transact business under chapter 282 of the Public Laws that it has issued to or for the benefit of the defendant a motor vehicle liability bond as hereinafter defined covering the use of the motor vehicle, trailer or semi-trailer involved in the accident as a result of which the action at law to recover damages referred to in section 6 was commenced as respects such accident. VII. "Motor Vehicle Liability Policy," a policy of liability insurance which provides: (a) indemnity for or protection to the insured and any person responsible to him for the operation of the insured's motor vehicle, trailer or semi-trailer who has obtained possession or control thereof with his express or implied consent, against loss by reason of the liability to pay damages to others for damage to property, except property of others in charge of the insured or his employees, or bodily injuries, including death at any time resulting therefrom, accidentally sustained during term of said policy by any person other than the insured, or employees of the insured actually operating the motor vehicle or of such other person responsible as aforesaid who are entitled to payments or benefits under the provisions of any workmen's compensation act, arising out of the ownership, operation, maintenance, control or use within the limits of the United States of America or the Dominion of Canada of such motor vehicle, trailer or semi-trailer, to the amount or limit of at least five thousand dollars on account of injury to

or death of any one person, and subject to such limits as respects injury to or death of one person, of at least ten thousand dollars on account of any one accident resulting in injury to or death of more than one person, and of at least one thousand dollars for damage to property of others, as herein provided, or a binder pending the issue of such a policy, or an indorsement to an existing policy, as defined in sections 16, 17 and 19, and (b) which further provides indemnity for or protection to the named insured and to the spouse of such named insured as insured if a resident of the same household, or the private chauffeur or domestic servant acting within the scope of the employment of any such insured with respect to the presence of any such insured in any other motor vehicle, from liability as a result of accidents which occur in New Hampshire due to the operation of any motor vehicle, trailer or semi-trailer not owned in whole or in part by such insured, provided, however, the insurance afforded under this subparagraph (b) applies only if no other valid and collectible insurance is available to the insured. VIII. "Motor Vehicle Liability Bond," a bond conforming to the provisions of section 18 and conditioned that the obligor shall within thirty days after the rendition thereof satisfy all judgments rendered: (a) against him or against any person responsible to him for the operation of the obligor's motor vehicle, trailer or semi-trailer who has obtained possession or control thereof with his express or implied consent, in actions to recover damages for damage to property of others or bodily injuries, including death at any time resulting therefrom, accidentally sustained during the term of said bond by any person other than the insured employees of the obligor actually operating the motor vehicle or of such other person responsible as aforesaid who are entitled to payments or benefits under the provisions of any workmen's compensation act, arising out of the ownership, operation, maintenance, control, or use within the limits of the United States of America or the Dominion of Canada of such motor vehicle, trailer or semi-trailer, to the amount or limit of at least one thousand dollars on account of damage to property and at least five thousand dollars, on account of injury to or death of any one person, and, subject to such limits as respects injury to or death of one person, at least ten thousand dollars

on account of any one accident resulting in injury to or death of more than one person, and (b) which further provides indemnity for or protection to the obligor and to the spouse of such obligor if a resident of the same household, a private chauffeur or domestic servant in the employ of any such obligor and with respect to the presence of any of said persons in any other automobile, from liability as a result of accidents which occur in New Hampshire due to the operation of any motor vehicle, trailer or semi-trailer not owned in whole or in part by said persons, provided, however, the protection afforded under this sub-paragraph (b) applies only if no other valid and collectible security is available to said persons.

**5. Policy, Form.** Amend section 16 of chapter 161 of the Laws of 1937 (commissioners' report, chapter 122, section 15) by striking out said section and inserting in place thereof the following: **16. Policy, Form.** No motor vehicle liability policy, as defined in section 1, shall be issued or delivered in the state until a copy of the form of the policy has been on file with the insurance commissioner for at least thirty days, unless, during said period, the commissioner shall have approved in writing the form of the policy, nor shall such policy be issued if the commissioner notifies the insurance company in writing that, in his opinion, the form of the policy does not comply with the laws of the state. Notification of his approval or disapproval shall be given in writing within said period. The commissioner shall approve a form of policy which contains the name, address and business of the insured, a description of the motor vehicles and trailers or semi-trailers covered, with the premium charges therefor, the policy period, the limits of liability as between the insured and the insurance company, and an agreement that insurance is provided in accordance with and subject to the provisions of this chapter.

The policy may provide that the insured, or any other person covered by the policy shall reimburse the insurance carrier for payment made on account of any loss or damage claim or suit involving a breach of the terms, provisions or conditions of the policy; and further, if the policy shall provide for limits in excess of the limits specified in this chapter, the insurance carrier may plead against any plaintiff, with respect to the amount of such excess limits of liability, any de-

fenses which it may be entitled to plead against the insured, and any such policy may further provide for the pro-rating of the insurance thereunder with other applicable valid and collectible insurance.

**6. Constitutionality.** If any provision of this act or the application thereof to any person or circumstances is held invalid, the remainder of the act and the application of such provisions to other persons and circumstances shall not be affected thereby.

**7. Takes Effect.** This act shall take effect upon its passage.

[Approved June 13, 1941.]

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## CHAPTER 199.

AN ACT RELATING TO THE DEVELOPMENT OF AERONAUTICS.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

### General Provisions

**1. Name of Act.** This act shall be known and may be cited as the New Hampshire Aeronautics Act of 1941.

**2. Declaration of Purpose.** It is hereby declared that the purpose of this act is to further the public interest by:

(a) The revision of existing statutes relative to aviation in order to centralize all aeronautical activities in a single state agency authorized to participate in any activity essential to progress in aeronautics.

(b) Making available for the development of aeronautics the funds now received for the registration of airmen, aircraft, and landing areas, and providing new sources of revenue.

(c) Effecting a uniformity in the regulations pertaining to the operation of aircraft by authorizing the adoption of uniform regulations consistent with federal regulations and making non-compliance with federal regulations a violation of the state law, thereby enabling the law enforcement agencies of the state to enforce the laws regulating the operation of aircraft.

### 3. Definitions.

I. "Aeronautics" means the act or practice of the art and science of transportation by aircraft, and operation, construction, repair or maintenance of aircraft, airports, landing fields, air navigation facilities or air instruction.

II. "Air carrier" means any person who undertakes, whether directly or indirectly or by a lease or any other arrangement, to engage in scheduled intrastate air transportation which at any time or in any manner is not subject to the interstate scheduled airline rules of the civil air regulations.

III. "Air commerce" means the carriage by aircraft of persons or property for compensation or hire, or the operation or navigation of aircraft in the conduct or furtherance of a business or vocation.

IV. "Aircraft" means any contrivance now known or hereafter invented, used, or designed for navigation of or flight in the air, except a parachute or other contrivance designed for such navigation but used primarily as safety equipment.

V. "Airman" means any individual who engages, as the person in command or as pilot, mechanic, or member of the crew, in the navigation of aircraft while under way; and any individual who is directly in charge of the inspection, maintenance, overhauling, or repair of aircraft, aircraft engines, propellers, or appliances.

VI. "Air navigation facility" means any facility used in, available for use in, or designed for use in, aid of air navigation, including landing areas, lights, any apparatus or equipment for disseminating weather information, for signaling, for radio-directional finding, or for radio or other electrical communication, and any other structure or mechanism having a similar purpose for guiding or controlling flight in the air or the landing and take-off of aircraft.

VII. "Airport" means a landing area providing certain specified facilities and services for use in connection with air transportation.

VIII. "Air transportation" means the transportation of persons, property, or mail by aircraft.

IX. "Authority" means the civil aeronautics authority

of the United States, or any federal agency superseding the civil aeronautics authority.

X. "Certificate, airworthiness" is a document issued by the authority to the registered owner of an aircraft, certifying that the aircraft is airworthy when operated and maintained in accordance with the terms of said certificate.

XI. "Certificate, experimental" is a document issued by the authority to the registered owner of an aircraft, certifying that the aircraft is an experimental aircraft and specifying such operation limitations as are deemed necessary by the authority.

XII. "Certificate of competency" is a document issued by the authority to airmen specifying the kind of aeronautical activity for which they are deemed competent.

XIII. "Certificate, registration (federal)" is a document, together with an identification mark, issued by the authority to the owner of an aircraft for purposes of identifying the aircraft and determining its nationality.

XIV. "Certificate, registration (state)" is a document issued by the commission for airmen, aircraft, landing areas and air carriers, specifying the aeronautical activities in which the holder thereof may engage.

XV. "Civil aircraft" means any aircraft other than a public aircraft.

XVI. "Civil air regulations" means the regulations of the civil aeronautics authority issued under the authority of the "Civil Aeronautics Act of 1938," or any federal regulations superseding those issued under the authority of that act.

XVII. "Commission" means the New Hampshire aeronautics commission created by this act.

XVIII. "Director" means the New Hampshire director of aeronautics authorized by this act.

XIX. "Landing area" means any locality, either of land or water, including airports and intermediate landing fields, which is used, or intended to be used, for the landing and take-off of aircraft, whether or not facilities are provided for the shelter, servicing, or repair of aircraft, or for receiving or discharging passengers or cargo.

XX. "Navigable air space" means air space above the



minimum altitudes of flight prescribed by the civil air regulations.

XXI. "Navigation of aircraft" or "navigate aircraft" includes the piloting of aircraft.

XXII. "Operation of aircraft," or "operate aircraft" means the use of aircraft, for the purpose of air navigation and includes the navigation of aircraft. Any person who causes or authorizes the operation of aircraft, whether with or without the right of legal control (in the capacity of owner, lessee, or otherwise) of the aircraft, shall be deemed to be engaged in the operation of aircraft within the meaning of this act.

XXIII. "Person" means an individual, a partnership, or two or more individuals having a joint or common interest, or a corporation.

XXIV. "Private landing area" means any landing area other than a public landing area.

XXV. "Public aircraft" means an aircraft used exclusively in the service of any government or of any political subdivision thereof, including the government of any state, territory, or possession of the United States, or the District of Columbia, but not including any government-owned aircraft engaged in carrying persons or property for commercial purposes.

XXVI. "Public landing area" means a landing area owned, occupied, or leased by the federal government, the state, counties, or towns. In the case of landing areas on the inland waters, ownership, use, or lease of the ramp or other beaching and terminal facilities will be considered as ownership, occupation, or lease of the landing as a private area.

XXVII. "Resident" means a person who has resided and made his home not less than six months next prior to his application for registration continuously within the state.

### **State Aeronautics Commission**

4. **Commission Created.** The governor, with the advice and consent of the council, shall appoint a commission of five members to be known as the New Hampshire Aeronautics Commission, not more than three of whom shall be members of the same political party. He shall designate one member as chairman. Three members shall be responsible citizens of

the state not directly connected with aviation and two members shall be responsible citizens of the state directly connected with aviation either as private or commercial pilots, airport managers or members of municipal airport commissions.

**5. Compensation.** All the commissioners shall serve without salary, but they may be reimbursed for expenses incurred in the performance of their duties.

**6. Term.** The first commissioner shall be appointed initially for five years, the second for four years, the third for three years, the fourth for two years, the fifth for one year, and thereafter as their terms expire each shall be appointed for five years. Each shall hold office until his successor shall be appointed and qualified. Vacancies shall be filled for the unexpired term.

**7. Quorum.** A majority of the members shall constitute a quorum for the transaction of any business, for the performance of any duty, or for the exercise of any power, except that in any action upon the appointment or removal of the director, a majority of the commission must act affirmatively.

**8. Powers and Duties.** The commission is hereby authorized in the name of the state to engage in any aeronautical activity essential to the progress of aeronautics including the purchase and sale of equipment and supplies necessary for or incidental to any of its functions, the furnishing of services and accommodations in connection with the maintenance of airports or airport services, the operation of aeronautical schools, the rendering of essential services on airports maintained by the state in connection with the state airways system; may engage in such activities jointly with the United States, other states, and with political subdivisions or other agencies of the state, and may charge reasonable fees for such operations. The commission is empowered to perform such acts, to conduct such investigations, to issue and amend such orders, and to make and amend such rules, regulations, and procedure, pursuant to and not inconsistent with the provisions of this act and the then current federal legislation governing aeronautics and the regulations duly promulgated thereunder, as it shall deem necessary to carry out such provisions and to exercise and perform its powers and duties under this act. In administer-

ing this act the commission, or the director, when authorized by the commission, shall have the power to conduct hearings, subpoena and examine under oath airmen, aircraft and landing area owners and operators, their books, records, documents, correspondence and accounts and any other person it deems necessary to carry out the purpose and intent of this act. The commission shall for such time and over such areas, as may be directed by the governor and council, suspend the right of all airmen, subject to the jurisdiction of said commission, to operate.

### **Director of Aeronautics**

**9. Director.** A director of aeronautics shall be appointed by the commission, who shall serve for an indefinite term, at the pleasure of the commission. Said director shall be appointed with due regard to his fitness, by aeronautical education, by knowledge of and recent practical experience in aeronautics, for the efficient dispatch of the powers and duties vested in and imposed upon him by this act.

**10. Compensation.** The director shall receive such compensation as the commission may determine, subject to the approval of the governor and council, and shall be reimbursed for all traveling and other expenses incurred by him in the discharge of his official duties.

**11. Powers and Duties of Director.** The director shall be the executive officer of the commission, and under the supervision of the commission, shall administer the provisions of this act and all the laws of the state relative to aeronautics. The director, with the approval of the commission, and within the limits of the appropriation, may hire field and office assistants necessary for the proper execution of his duties. The director shall exercise general supervision, control, and direction on behalf of the state, over all matters pertaining to the location, construction, and maintenance of all air navigation facilities now or hereafter built or maintained, either in whole or in part, with money appropriated from the state treasury. He may recommend to the governor and council that the state acquire land, easements, and rights of way for the establishment of air navigation facilities. Such land, easements, and rights of way may be acquired by purchase, grant or condemnation in the manner provided by law by

which the governor and council are authorized to acquire real property for public purposes, and property so acquired may be conveyed to a town for use in connection with the establishment of air navigation facilities for such a consideration as the governor and council may determine.

### **State Airways System**

**12. State Airways System.** The commission shall establish a state airways system, consisting of landing areas (both land and water), airport and airway marking and lighting, and other aids to air navigation, adequate for air transportation service to the entire state. The system shall be supplementary to the federal airways system and such parts of it as are provided and maintained by the civil aeronautics authority within the state. The system may include all air navigation facilities maintained for public use, whether publicly or privately owned, under such terms and conditions as meet the approval of the commission.

**13. Public Ownership.** The state and the towns are hereby authorized to acquire, construct, maintain, and operate, any air navigation facility, and may do so jointly with the United States, other states, or with each other.

**14. Suits Affecting.** The construction, maintenance and operation of air navigation facilities is hereby declared a public governmental function, and no action or suit shall be brought or maintained against the state, or any county or town thereof, or its officers, agents, servants, or employees, in or about the construction, maintenance, operation, superintendence, or management of any air navigation facility.

**15. Acceptance of Federal Aid.** The state and the towns are hereby authorized to accept funds from the United States for the construction and maintenance of air navigation facilities. The director is hereby authorized to act for the state and towns with representatives of the federal government, in all matters pertaining to acceptance of such federal aid.

**16. Use of Air Navigation Facilities.** There shall be no exclusive right for the use of any landing area or air navigation facility upon which state or federal funds have been expended. Provided, that the state or a town acquiring air navigation facilities under the provisions of this act, is

authorized to contract for or lease to any person the use of the facilities, and may establish reasonable rent or fees therefor.

### State Registration Certificates

**17. State Registration Certificates.** The commission is empowered to issue registration certificates for airmen, aircraft, landing areas, and air carriers and establish the requirements for and the terms, conditions and limitations of such certificates.

**18. Aircraft Title Transfer.** On the date of transfer of title of an aircraft registered with the commission, the owner in writing shall report the transaction to the commission, and shall surrender the registration certificate for said aircraft, properly executed as to transfer of title, to the purchaser. The purchaser may operate such aircraft in conformity with the terms of this certificate pending issuance of a registration certificate provided that on the date of transfer of title the proper application form shall have been either mailed to the commission or delivered to its representative.

**19. Application for Registration Certificates.** An application for a registration certificate shall be made on a form supplied by the commission for that purpose, and shall be accompanied by the prescribed fee if any is required by law.

**20. Effective Date of Certificates.** A state registration certificate shall not be effective until in actual possession of the applicant.

**21. Duration of Certificates.** A state registration certificate shall remain in force until the first day of April next following the date of its issue, or until sooner suspended, revoked, or cancelled.

**22. Non-Transferability of Certificates.** A state registration certificate shall not be transferable, except as provided in section 18.

**23. Suspension or Revocation.** A state registration certificate may be suspended or revoked if the holder thereof:

I. Makes any false statement in an application for a certificate or in any report required by the commission.

II. Is convicted of a violation of federal law or rules or regulations relating to civil aeronautics.

III. Is in unsound physical or mental condition, in the case of a pilot.

IV. Violates any provision of this act or any rule or regulation duly issued hereunder.

**24. Surrender of Certificates.** Upon notice from a duly authorized representative of the commission of the suspension or revocation of a state registration certificate, the holder thereof shall immediately surrender the same. A certificate not so surrendered shall be deemed cancelled and of no further force or effect.

**25. Exceptions.** No provision of this act relating to registration by the commission shall be so construed as to require:

I. The registration of airmen acting as such in the authorized performance of their duties with any branch of the military forces of the United States or with scheduled air carriers engaged in interstate commerce.

II. The registration of nonresident airmen, aircraft, or air carriers engaged exclusively in air commerce constituting an act of interstate or foreign commerce.

III. The registration of any landing area owned or operated by the government of the United States.

### **Prohibitions and Penalties**

**26. Prohibitions.** It shall be unlawful:

I. For any person to operate or authorize the operation of any civil aircraft which is not possessed of a valid identification mark assigned or approved therefor by the authority, or if owned by a resident of the state, is not also possessed of a currently effective airworthiness or experimental certificate and a state registration certificate.

II. For any person to operate or authorize the operation of any civil aircraft in air commerce within the state which is not possessed of a currently effective airworthiness certificate and a state registration certificate.

III. For any person to serve in any capacity as an airman in connection with any civil aircraft without an airman certificate issued by the authority authorizing him to serve in such capacity, and if a resident, or a nonresident engaged in air commerce within the state, unless possessed of such cer-

tificate issued by the authority and an appropriate state registration certificate. Provided, however, that such state registration certificate shall not be required of a person receiving a demonstration flight or dual flying instruction carried out in accordance with the civil air regulations.

IV. For any person to employ for service in connection with any civil aircraft an airman who does not have the certificates required by III above, authorizing him to serve in the capacity for which he is employed.

V. For any person to operate as an air carrier without an air carrier registration certificate.

VI. For any person to designate any area of land or of the inland waters as a landing area by markings, the display of a wind direction indicator, or otherwise, or operate or permit operation of aircraft on or from any area for compensation or hire, unless such area is registered with the commission. For the purpose of this section, an area used either as the point of departure or as the destination of an aircraft operation, but not as both, shall not be considered a landing area.

VII. For any person to operate or authorize the operation of aircraft in violation of any other rule or regulation, or in violation of the terms of any certificate, issued under the authority of this act.

VIII. For any person to operate or authorize the operation of aircraft for compensation or hire from any of the public inland waters or ice areas of the state unless each such area is registered with the commission. Applications for such registration shall contain such details with respect to the areas from which flights are to be made as the commission may from time to time require.

**27. Penalties.** Violation of any provision of this act or rules and regulations made hereunder shall be punishable as follows:

I. Any person who violates any provisions of this act pertaining to registration or the air traffic rules, or who violates any provisions of an order, rule or regulation made hereunder, or fails to answer a subpoena or to testify before the commission, shall be fined not exceeding five hundred dollars or imprisoned for not more than six months, or both.

II. Any person who fraudulently forges, counterfeits,

alters, or falsely makes any certificate authorized under this act, or any person who knowingly uses or attempts to use any such fraudulent certificate, shall be fined not exceeding one thousand dollars or be imprisoned for not more than three years, or both.

III. Any person who displays any false light, signal, or air marking, or who moves, defaces, obstructs, or otherwise interferes with the use of any airport or airway light or marking, any air navigation facility, or any device or equipment used in connection with air navigation, shall be fined not exceeding five thousand dollars or imprisoned for not more than five years, or both.

**28. Disposition of Fines.** The court imposing any penalty authorized by this act, within five days of the receipt of such fine, shall forward the same to the commission with an abstract of the record of any conviction of a violation of any provision of this act.

### Revenue

**29. Fees.** The commission is hereby authorized to collect the following fees for the issuance of registration certificates:

I. For each resident airman, three dollars.

II. For each nonresident airman, five dollars.

III. For each aircraft, other than an unpowered glider, owned by a resident, ten dollars.

IV. For each aircraft owned by a nonresident, fifteen dollars.

V. For each unpowered glider owned by a resident, three dollars.

VI. For each private landing area, ten dollars.

VII. For each transfer of an aircraft registration certificate from an aircraft sold or destroyed to another aircraft owned by the same person, two dollars.

VIII. For each registration certificate issued during the period beginning with December first and ending with March thirty-first, one-third of the above fees.

**30. Exceptions.** No provision of the preceding section shall be so construed as to require:

I. More than one fee from an airman possessed of more than one type of certificate of competency issued by the authority, provided, however, that such an airman shall file



an application including the pertinent information for each type of certificate issued by the authority under which the applicant proposes to act as an airman.

II. An additional fee for the change of rating of an airman registered with the commission.

III. A fee for the registration of a public landing area.

IV. An additional fee for the registration of more than one private landing area by the same person.

V. A fee for the registration of an aircraft owned by a nonresident engaged in air commerce within the state, when waiver of such fee is requested in writing by a commercial aircraft operator operating in the state. Such request shall state specific dates, location and justification for the waiver, and the duration of the period for which such waiver is granted shall not exceed two days.

**31. Disposition of Revenue.** All fees, fines or other income received under the provisions of this act shall be paid by the commission to the state treasurer and be credited to the aeronautical fund.

**32. Aeronautical Fund.** There is hereby established in the state treasury a fund to be known as the aeronautical fund. All fees and fines or other income received by the commission under the provisions hereof; any funds received from the state treasurer as unrefunded tolls under the provisions of an act passed at the present session entitled "An Act relating to income from motor vehicle road tolls;" any unexpended balance of appropriation made available for the public service commission in the exercise of its duties under chapter 182 of the Laws of 1929; any unexpended balance of appropriation made available to the office of the director of aeronautics created by chapter 224 of the Laws of 1939; and moneys herein or hereafter appropriated to carry out the provisions hereof shall be kept by the state treasurer in said aeronautical fund to be paid out by him upon warrants drawn by the governor with the advice and consent of the council for the purpose of this act.

**33. Appropriation.** If during either of the fiscal years ending June 30, 1942, or June 30, 1943, the proceeds of the aeronautical fund shall amount to less than eight thousand five hundred dollars a sum equal to said deficit, but in no event to exceed eight thousand five hundred dollars a year, is here-

by appropriated for the purposes hereof and the governor is hereby authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

### **Procedure for Appeal**

**34. Appeal.** Any person whose registration certificate has been suspended or revoked, or who has been denied such a certificate, by the commission, shall have the right to file a petition, within thirty days thereafter, for a hearing in the matter in the superior court in the county wherein such person resides and such court is hereby vested with jurisdiction and it shall be its duty to set the matter for hearing upon fourteen days' notice to the commission and the petitioner and thereupon to take testimony and examine into the facts of the case and to determine whether the petitioner is entitled to a certificate or is subject to suspension or revocation of certificate under the provisions of this act.

### **Miscellaneous**

**35. Records Transferred to Commission.** All files and records of the public service commission which relate solely to aeronautics, and all files and records of the office of the director of aeronautics shall be transferred and delivered to the commission.

**36. Hazards to Air Navigation.** The commission shall, by rules and regulations, or by order where necessary, require all persons to give adequate public notice, in the form and manner prescribed by the commission, of the construction or alteration, or the proposed construction or alteration, of any structure where such notice will promote safety in air navigation.

**37. Effect on Existing Certificates.** Registration certificates heretofore issued under the authority of chapter 36 of the Laws of 1931 now in force shall continue in force until April 1, 1942 unless sooner suspended, revoked, or cancelled.

**38. Saving Clause.** In case any phrase or provision hereof shall be declared unconstitutional, the remaining provisions shall not by reason thereof be invalid and the remainder of the act and its application shall not be affected thereby.

**39. Repeal.** Chapter 182, Laws of 1929, as amended by chapter 60, Laws of 1931, and section 4, chapter 115, Laws of

1935, relative to the regulation of aviation in the state, and chapter 36, Laws of 1931, as amended by chapter 100, Laws of 1933, (chapter 297, commissioners' report) relative to registration of aircraft, airmen and airports, and chapter 224, Laws of 1939, (chapter 6, commissioners' report) relating to the development of aeronautical facilities are hereby repealed. The repeal of the foregoing chapters and parts of chapters shall in no case affect any eminent domain proceeding had or commenced in any case before the time when the repeal shall take effect, and any such proceeding may be prosecuted to its conclusion by any of the parties to such proceeding in accordance with the provisions of the chapters or parts of chapters hereby repealed.

**40. Definition.** Amend paragraph IV of section 1 of chapter 145 of the Laws of 1941 by striking out said paragraph and inserting in place thereof the following: IV. "Director" means the New Hampshire aeronautics commission created by an act passed at the 1941 session of the legislature. All powers and duties conferred by this chapter upon the state director of aeronautics shall be transferred to the aeronautics commission created by said act.

**41. Takes Effect.** This act shall take effect fifteen days after the date of passage.

[Approved June 13, 1941.]

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## CHAPTER 200.

### AN ACT PROVIDING FOR REGISTRATION PLATES FOR CERTAIN VEHICLES.

*Be it enacted by the Senate and House of Representatives in  
General Court convened:*

**1. American Legion.** The commissioner of motor vehicles is hereby authorized to issue registration number plates to the New Hampshire State Voitures of La Societe Des 40 Hommes et 8 Chevaux for use on their motorized locomotives.

**2. Fees for Number Plates.** For each set of plates so issued the commissioner shall charge a fee of five dollars.

**3. Takes Effect.** This act shall take effect upon its passage.

[Approved June 13, 1941.]

## CHAPTER 201.

### AN ACT RELATING TO REGULATIONS FOR CERTAIN SEWERAGE SYSTEMS.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1. Powers of Mayor and Aldermen.** Amend chapter 95 of the Public Laws by adding after section 4 (section 4, chapter 111, commissioners' report) the following new section:  
**4-a. By-Laws and Ordinances.** In cities where the sewage is pumped or treated the mayor and aldermen may adopt such ordinances and by-laws relating to the system, pumping station, treatment plant or other appurtenant structure as are required for proper maintenance and operation. Any person wilfully violating such ordinances or by-laws shall be fined not more than ten dollars for each day of violation after written notice to desist has been given.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved June 13, 1941.]

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## CHAPTER 202.

### AN ACT RELATIVE TO GUARANTY AGREEMENTS PROVIDED IN CASE OF THE SALE OF LIGHTNING RODS.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1. The Sale of Lightning Rods.** Amend section 2 of chapter 160 of the Public Laws (section 2, chapter 187, commissioners' report) by striking out said section and inserting in place thereof the following: **2. Prerequisites.** No such license shall be issued until the insurance commissioner has approved of the material made by such manufacturer for the purpose of protecting from lightning, and the manner and system of installing such material, nor until the applicant has filed a bond with the commissioner in the sum of five thousand dollars, with security satisfactory to him, to cover the guaranty agreement referred to in the following section, together with a written stipulation that legal process affecting

such applicant or his agent, served upon the commissioner for the time being, shall have the same effect as if personally served upon such applicant or his agent within the state.

**2. Requirements of Agreement.** Amend section 3, chapter 160 (section 3, chapter 187, commissioners' report) by striking out the whole of said section and inserting in place thereof the following: **3. Guaranty.** When the commissioner is satisfied that the manufacturer has complied with such requirements and is safe and reliable as to assets, business standing and methods, and is entitled to confidence, he shall require to be filed with him a copy of the guaranty agreement issued by such manufacturer, which agreement must provide that, in the event of damage by lightning to property rodded by said manufacturer or his agent the owner thereof shall be reimbursed, by said manufacturer, for said loss in an amount not to exceed twice the cost of installation of said rodding. The form of such guaranty agreement shall be approved by the commissioner before the issuance thereof. Nothing in this act shall be construed as taking away a property owner's right to recover damages for negligent installation of said rodding.

**3. Takes Effect.** This act shall take effect upon its passage.

[Approved June 13, 1941.]

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## CHAPTER 203.

### AN ACT RELATING TO THE SALARY OF THE DEPUTY INSURANCE COMMISSIONER.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1. Deputy Insurance Commissioner.** Amend section 7 of chapter 271 of the Public Laws, as amended by chapter 165 of the Laws of 1929 and chapter 137 of the Laws of 1931, by striking out the words "eighteen hundred" in the third line and inserting in place thereof the words, twenty-two hundred, so that said section as amended shall read as follows:

**7. Compensation.** The annual salary of the commissioner shall be five thousand dollars, and of the deputy commissioner

twenty-two hundred dollars, and shall be full compensation for their services. A temporary commissioner shall be paid five dollars a day for the time actually spent in the discharge of his duties; and the governor and council shall audit and allow his account therefor.

**2. Takes Effect.** This act shall take effect July 1, 1941.  
[Approved June 13, 1941.]

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## CHAPTER 204.

AN ACT RELATING TO INCOME FROM MOTOR VEHICLE ROAD TOLLS.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1. Retail Dealer Record.** Amend section 2 of chapter 104 of the Public Laws (chapter 120, commissioners' report) by inserting at the end the following: Every retail dealer who sells and delivers any such fuel directly into the fuel tanks, or supplementary fuel tanks, of boats or outboard motors upon the inland public waters for use in such boats or outboard motors, or into the fuel tanks of aircraft, shall keep such record of such sales as the state treasurer may prescribe, so that said section as amended shall read as follows:

**2. Records.** Every distributor shall keep such record of importations and sales of fuels as the commissioner may prescribe. Such records shall be preserved by the distributor for two years, and shall be offered for inspection upon verbal or written demand of the commissioner or his inspector. Every retail dealer who sells and delivers any such fuel directly into the fuel tanks, or supplementary fuel tanks, of boats or outboard motors upon the inland public waters for use in such boats or outboard motors, or into the fuel tanks of aircraft, shall keep such record of such sales as the state treasurer may prescribe.

**2. Reports by Retail Dealer.** Amend said chapter 104 by adding after section 3 the following new section: **3-a. Reports by Retail Dealer.** Every retail dealer in this state keeping a record of sales as prescribed by the state treasurer under section 2 hereof shall, on or before the fifteenth day of each month, render a separate report to the state treasurer

on forms to be furnished by his department stating the number of gallons of such fuel sold and delivered by him during the preceding month directly into the fuel tanks, or supplementary fuel tanks, of boats or outboard motors upon the inland public waters for use in such boats or outboard motors, and into the fuel tanks of aircraft, and such other information as the state treasurer shall prescribe.

**3. Fuels for Other Uses.** Amend section 7, chapter 104 of the Public Laws as amended by section 8, chapter 73, Laws of 1935, by inserting after the word "purposes" in the ninth line the words, and said road toll has actually been paid, so that said section as amended shall read as follows: **7. Fuels for Other Uses.** Whenever any person shall purchase any such fuels for any purpose other than for the propulsion of motor vehicles upon highways he may, within ninety days after date of such purchase, present to the state treasurer, on blanks furnished by him, a statement under oath as to the number of gallons used for such other purposes and the name of the person from whom purchased. The state treasurer, upon satisfying himself that said fuel was actually used for such other purposes, and said road toll has actually been paid, shall refund the road toll to said purchaser.

**4. Disposal of Revenue.** Amend said chapter 104 by adding after section 11 the following new section: **11-a. Exception.** Annually on or before June one the state treasurer shall compare the number of gallons on which refunds have been made for the preceding calendar year for fuel used in the propulsion of boats on inland public waters of the state, and for the propulsion of aircraft, with the number of gallons of such fuel sold and delivered directly into the fuel tanks, or supplementary fuel tanks, of boats or outboard motors upon the inland public waters for use in such boats or outboard motors, and into the fuel tanks of aircraft, as reported to him, and if there be any balance of unrefunded tolls so collected, the state treasurer shall, on July one, next following, credit such balances respectively to the public service commission or such other commission as may exercise jurisdiction over the navigation of power boats or aircraft. Funds so credited shall be used for the promotion of the safety of such navigation and any balances remaining in said funds at the end of each fiscal year shall not lapse.

**5. Safety of Navigation.** Amend section 6 of chapter 160 of the Laws of 1941 by inserting after the word "hereunder" the words, and all sums received from the state treasurer on account of the unrefunded motor vehicle road tolls, so that said section as amended shall read as follows: **6. Disposition of Revenues.** All fees and fines collected hereunder, and all sums received from the state treasurer on account of the unrefunded motor vehicle road tolls, shall be made available to the commission for the promotion of the safety of navigation and the administration and enforcement of this act.

**6. Takes Effect.** This act shall take effect upon its passage.

[Approved June 13, 1941.]

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## CHAPTER 205.

### AN ACT RELATIVE TO EMERGENCY APPROPRIATIONS.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1. Authority Conferred.** In case the appropriations for the ensuing biennium for the state prison, the industrial school, the Laconia state school, the state hospital, the state sanatorium, the state teachers colleges, the university of New Hampshire and the soldiers' home for foodstuffs, clothing, fuel and other necessities should be insufficient for the needs of said institutions because of an increase in the prices of said commodities the governor and council are hereby authorized to provide for such necessities for said institutions in an amount not to exceed two hundred and fifty thousand dollars, and the governor is hereby authorized to draw his warrants for said sum out of any money in the treasury not otherwise appropriated. The sums which may be allowed to any such institution under the provisions hereof shall be in addition to appropriations otherwise made for said institution.

**2. Takes Effect.** This act shall take effect July 1, 1941.

[Approved June 13, 1941.]



## CHAPTER 206.

AN ACT AUTHORIZING APPLICATION TO THE SUPERIOR COURT BY  
FIDUCIARIES OR BENEFICIARIES OF TRUST FUNDS.

*Be it enacted by the Senate and House of Representatives in  
General Court convened:*

**1. Funds.** Amend chapter 317, Public Laws, by inserting after section 3 (section 3, chapter 361, commissioners' report) the following new section: **3-a. Deviation from Terms of Trust.** In all cases where by reason of a change of circumstances which has occurred, shall occur, or is reasonably foreseeable, subsequent to the creation, heretofore or hereafter, of a trust by any deed, will or other instrument, compliance by the trustee or trustees with the terms of the trust relating to the property or the kinds or classes of property which may be held under the trust, would defeat or substantially impair the accomplishment of the purposes of the trust, the court may, upon the filing by the trustee of a bill in equity for instructions and upon notice to all parties in interest, enter a decree permitting the trustee to deviate from such terms of the trust and directing the trustee, if necessary to carry out the purposes of the trust, to sell all or any part of the property held under the trust and to invest the proceeds of such sale in kinds or classes of property which are lawful investments for trustees of estates. No such decree, after its entry, shall thereafter operate to relieve any trustee of any duty imposed by law relating to the investment of trust funds and the exercise of reasonable care for the preservation thereof. This section shall not be construed to limit or restrict the general equitable jurisdiction of the court over trustees, trusts or trust funds.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved June 13, 1941.]

## CHAPTER 207.

### AN ACT RELATING TO THE SALE OF DRUGS.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1. Dealing in Drugs.** Amend paragraph II of section 43 of chapter 210 of the Public Laws, as amended by section 5 of chapter 123, Laws of 1931, by striking out said paragraph and substituting therefor the following: II. This shall not prevent the sale of aspirin, whether simple or in mixtures, nor that of compounds of acetanilid or acetphenetidin, except compounds of these with derivatives of barbituric acid, and except when not in proper dosages and with adequate cautionary directions for using, conforming with the federal food, drug and cosmetic act, or when not so conforming, with directions whose adequacy shall be subject to determination by the State Board of Health; nor shall it prevent the sale of other proprietary medicines except those other so-called ethical proprietary medicines of potent character which in their complete form are listed by whatever name in any one of the standard compendiums known as United States Pharmacopoeia, National Formulary and New and Non-Official Remedies, in their latest editions and supplements thereof, and except any compounds or mixtures of said so-called ethical proprietary medicines, or of mixtures or compounds of them with other substances.

**2. Takes Effect.** This act shall take effect on October 1, 1941.

[Approved June 13, 1941.]

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## CHAPTER 208.

### AN ACT RELATING TO THE SALE AND DELIVERY OF BEVERAGES.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1. State Liquor Commission.** Amend section 12 of chapter 3 of the Laws of the special session of 1934, as amended by chapters 13 and 68 of the Laws of 1935 (section 12, chapter 167, commissioners' report) and as further amended by

chapter 90, Laws of 1941, by striking out said section and inserting in place thereof the following: **12. Rules and Regulations.** Said commission shall have power to make all necessary and proper rules and regulations for carrying out the provisions of this act, and such rules and regulations shall have the effect of law. No sale of liquor or beverages shall be made on Sundays or election days while the polls are open except by persons holding licenses under the provisions of sections 19, 21, 22 and 23, provided that persons holding licenses under the provisions of section 19 when making sales of beverages on Sundays or election days while the polls are open shall sell only to *bona fide* guests with meals in the dining room or in the rooms of the guests and except that a wholesale permittee may sell and deliver beverages at any time on election days for resale only. Liquor or beverages shall not be sold in any establishment where booths that are not open at the end or that are more than forty-two inches high are used for serving patrons. Costumers may be erected and attached to the ends of booths. Such costumers shall be of such design and constructed in such manner as approved by the commission.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved June 13, 1941.]

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## CHAPTER 209.

### AN ACT RELATIVE TO THE AUDIT OF MUNICIPAL ACCOUNTS.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1. Municipal Accounts.** Amend chapter 68 of the Public Laws, as amended by chapter 165, Laws of 1933 and chapter 211, Laws of 1939 (chapter 82, commissioners' report) by striking out sections 26, 27, 28 and 29 and inserting in place thereof the following: **26. Petition for Audit.** Any town, school district, village district or precinct, at the annual meeting or special meeting legally called therefor, the selectmen of any town, school board of any school district and commissioners of any village district or precinct, may petition the

commission for an audit of the accounts of their respective unit of government and said commission, as soon as possible after the receipt of such petition, shall cause such audit to be made. **27. Audit on Motion of Commission.** The commission may cause an audit to be made of the accounts of any city, town, school district, village district or precinct, as often as once in two years, or whenever conditions appear to it to warrant such audit. The commission shall cause an audit to be made of the accounts of each county as often as once in two years, or more often when conditions appear to warrant such audit, unless an audit of the accounts of such county has been made during said period by a certified public accountant in a manner prescribed by the tax commission and said certified public accountant's complete report is available to the public.

**2. Division of Expenses.** Amend section 32, chapter 68, Public Laws, as inserted by chapter 211, Laws of 1939 (section 30, chapter 82, commissioners' report) by striking out said section and inserting in place thereof the following:

**32. Expenses.** All expenses incurred in conducting an audit shall be paid in the first instance from the appropriation for the commission, but each county, city, town, school district, village district or precinct shall, upon notification by the commission of the amount due, reimburse it for all such expenses incurred in the audit including one-half of the salaries of members of the division for such time as said members have spent in said audit. Said reimbursement shall be credited to the appropriation for the commission.

**3. Takes Effect.** This act shall take effect upon its passage.

[Approved June 13, 1941.]

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## CHAPTER 210.

AN ACT RELATIVE TO POWER OF TOWNS TO MAKE BY-LAWS OR ORDINANCES LICENSING HAWKERS AND PEDDLERS.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1. Hawkers and Peddlers.** Amend chapter 157 of the Public Laws, as inserted by chapter 102, Laws of 1931

(chapter 184, commissioners' report) by striking out sections 3, 4, 6, 7, 10, 12, 14 and 16 and inserting in place thereof the following new sections: **3. Exceptions.** The provisions of this chapter relating to hawkers and peddlers shall not apply to wholesalers or jobbers selling to dealers only, nor to commercial agents or other persons selling by sample, lists, or catalogues, nor to any person selling agricultural implements, fruit trees, vines, shrubs, books, newspapers, pamphlets, the products of his own labor or the labor of his family and the product of his own farm or the one he tills, the manufacturers of furniture and ladders excepted. **4. Applications.** The clerk of any town or city shall grant a local license to any person who files in his office a certificate, signed by the mayor of said city, a majority of the selectmen of said town, stating that, to their best knowledge and belief, the applicant therein named is of good moral character; and is, or has declared his intention to become, a citizen of the United States. Such license shall not be granted to any other person. **6. Local Licenses.** The local license shall include a synopsis of this chapter and the name of the city or town within which said license is effective and shall also contain such other information as said clerk may deem necessary. An applicant shall take out a separate license in each town or city wherein he desires to offer or expose for sale goods, wares or merchandise under the provisions hereof, except when he has secured a state license as provided in section 8 hereof. **7. Fees.** Every person licensed under the provisions relative to local licenses shall pay to the clerk of the city or town granting such license the following sums before offering or exposing for sale any goods, wares or merchandise therein: For every town of not more than one thousand inhabitants, according to the census next preceding the date of his license, five dollars; for a town of more than one thousand and less than two thousand inhabitants, eight dollars; for a town of more than two thousand and not more than three thousand inhabitants, ten dollars; and for every thousand inhabitants in excess of three thousand, one dollar. The clerk shall certify on the face of such license the sum so paid and shall forward all fees collected hereunder to the treasurer of said city or town which fees shall be for the use of said city or town. **10. Record.** The secretary of state and the clerks of cities and towns shall

keep records of all licenses issued by them, respectively, with the number of each, the names and residences of the persons licensed and the sums received therefor and all such records shall be open for public inspection. **12. Endorsing License; Exhibiting License; Use of Badges.** Every person licensed as a hawker or peddler shall endorse his usual signature upon his license. When his license is demanded of him by a mayor, selectman, alderman, city or town clerk, sheriff or his deputy, any constable or police officer or the person to whom he sells or offers or exposes for sale his wares, he shall forthwith exhibit the same, and if he neglect or refuse so to do he shall be liable to the same penalty as if he had no license. The secretary of state and the clerks of cities and towns shall, at the expense of the licensee, provide a badge for each peddler, and such badges shall bear the number of the license, the word "peddler" and such other information as the secretary of state or said clerk may deem necessary. Each peddler shall wear his badge or badges in a conspicuous place. **14. Revocation of Licenses.** Any special state license granted by the secretary of state to a hawker or peddler may be revoked by him (1) upon conviction of the licensee of any offense which in the judgment of the secretary warrants such revocation, or (2) upon the submission to the secretary of evidence satisfactory to him that, during the term of the license, and acting under cover thereof, the licensee has accepted or solicited money otherwise than through a *bona fide* sale or barter of goods, wares or merchandise, or has in any manner begged or solicited alms from the public, or (3) for any other sufficient cause. Whenever any person is convicted of a violation of any provision of this chapter, relative to hawkers and peddlers, the clerk of the court in which or the trial justice by whom, such person was convicted shall notify the secretary of state or the clerk of any city or town which has granted a local license hereunder to said person. Any local license granted by the clerk of any city or town may be revoked by said clerk for like causes and in case of any revocation of a state license by the secretary of state all local licenses held by said licensees shall be revoked by said clerks. **16. Assistance.** The secretary of state is authorized to employ such assistance and to incur such expense for the issuance of state licenses hereunder as the governor and coun-

cil may approve, and the governor is authorized to draw his warrant therefor.

**2. Application.** The provisions of this act shall not affect the validity of hawkers and peddlers licenses in force at the time this act takes effect, but said licenses, unless sooner revoked for cause, shall remain in effect until the expiration date thereof.

**3. Takes Effect.** This act shall take effect upon its passage.

[Approved June 13, 1941.]

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## CHAPTER 211.

### AN ACT MAKING APPROPRIATIONS FOR THE EXPENSES OF THE STATE OF NEW HAMPSHIRE FOR THE YEAR ENDING JUNE 30, 1942.

*Be it enacted by the Senate and House of Representatives in  
General Court convened:*

**1. Appropriations.** The sums hereinafter mentioned are appropriated to be paid out of the treasury of the state for the purposes specified for the fiscal year ending June 30, 1942, to wit:

A continuing appropriation which shall not lapse, shall not be transferred to any other depart- ment, institution or account, and which shall be for the expenses of the legislature only ...	\$125,000
Council of state governments .....	\$250

For the executive department:

Office of the governor:

Salary of governor .....	\$5,000
Salary of governor's secretary .....	3,000
Clerical expenses .....	4,800
Current expenses .....	4,500

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Total .....	\$17,300
Council per diem and expenses .....	6,500
Contingent fund .....	5,000

Emergency fund for protection of interests of the state .....	\$45,000
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Total executive department .....	\$73,800
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For judicial branch:

Supreme court:

Salaries of supreme court justices .....	\$35,000
Salary of clerk of court.....	2,000
Salary of court reporter ....	1,800
Other clerical expenses .....	1,650
Current expenses .....	3,800
Printing and binding New Hampshire reports .....	3,500

Total .....	\$47,750
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Less revenue .....	130
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Net appropriation .....	\$47,620
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Superior court:

Salaries of superior court justices .....	\$42,000
Other personal services .....	200
Current expenses .....	8,300
Referees and masters .....	6,000
Expenses of referees and masters .....	1,000

Total .....	57,500
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Probate court:

Salaries of probate court justices .....	\$17,600
Salaries of registers and deputies .....	20,300

Total .....	37,900
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Total judicial branch .....	\$143,020
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## For adjutant general's department:

## Office of adjutant general:

Salary of adjutant general... \$3,000\*

Clerical expenses ..... 3,600

Current expenses ..... 1,200

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 Total ..... \$7,800

## National guard:

Salaries ..... \$25,000

Current expenses — national  
guard ..... 8,125

Current expenses—state guard 4,900

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 Total ..... 38,025

## Armories:

Salaries ..... \$16,540

Current expenses ..... 19,050

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 Total ..... 35,590

Rifle ranges ..... 960

War service recognition ..... 600

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 Total adjutant general's department.. \$82,975

## For department of agriculture:

## Office of commissioner:

Salary of commissioner ..... \$3,500

Salary of deputy commis-  
sioner ..... 2,750

Clerical expenses ..... 4,290

Current expenses ..... 1,558

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 Total ..... \$12,098

Institutes and public meetings ..... 1,060

Granite State Dairymens' Association .... 500

New Hampshire Horticultural Society .... 1,000

New Hampshire Sheep Breeders' Asso-  
ciation ..... 250

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\* The above appropriation of \$3,000 for the adjutant general's salary shall not be transferred to or used for any other state function.

Nursery inspection .....	\$1,000	
Feeding stuffs inspection .....	5,000	
Fertilizer inspection .....	1,864	
Seed inspection .....	1,057	
Insecticides and fungicides .....	200	
Apiary law .....	300	
Insect supression:		
Salary of deputy commissioner	\$1,600	
Salaries of clerks and assist-		
ants .....	8,450	
Current expenses .....	2,500	
Total .....		12,550
Dairy inspection:		
Salary of inspector .....	\$2,750	
Current expenses .....	1,105	
Total .....		3,855
Licensing milk dealers .....	500	
Fair exhibits .....	450	
Eastern States Exposition .....	1,500	
Egg inspection .....	2,935	
Bureau of markets:		
Salaries .....	\$3,237	
Current expenses .....	775	
Total .....		4,012
Crop reporting service .....	1,000	
Printing and mailing bulletins .....	6,400	
Labeling services .....	500	
Apple grading .....	1,100	
Division of animal industry:		
Office of veterinarian:		
Salary of state veterinarian	\$3,500	
Clerical expenses .....	10,376	
Current expenses .....	4,075	
Total .....		17,951

## Field expenses:

Salary of appraiser .....	\$2,500
Tubercular testing .....	50,000
Other testing fees .....	2,850
Current expenses .....	3,000

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Total .....	58,350
Testing fees .....	15,000

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Total department of agriculture ..... \$150,432

## For attorney general's department:

Salary of attorney general ....	\$6,000
Salary of assistant attorney general .....	4,000
Salary of chief clerk .....	2,000
Salary of research clerk .....	2,000
Salary of law clerk .....	1,800
Salary of chief accountant ....	1,500
Clerical expenses .....	4,800
Current expenses .....	3,800
Fees to registers of probate....	4,250
Legacy tax expenses .....	1,100

---

Total attorney general's department.. \$31,250

## For comptroller's department:

Salary of comptroller .....	\$5,000
Salary of assistant comptroller	3,300
Clerical expenses .....	18,425
Current expenses .....	2,900

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Total .....	\$29,625
G. A. R. ....	600
Granite State Deaf Mute Mission .....	150
Old Home Week Association .....	300
New Hampshire Historical Society .....	500
Military organizations .....	200
Firemen's Relief Association .....	4,000

Prisoners' Aid Association .....	\$600
New Hampshire Veterans' Association ....	1,500

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Total comptroller's department .....	\$37,475
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For forestry and recreation department:

Administration:

Salary of state forester ....	\$3,500
Salary of assistant state forester .....	2,500
Clerical expenses .....	8,150
Current expenses .....	4,585

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Total .....	\$18,735
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Nursery:

Salaries .....	\$5,000
Current expenses .....	2,440

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Total .....	7,440
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Reforestation:

Salaries .....	\$1,000
Current expenses .....	900

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Total .....	1,900
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District fire supervision:

Salaries .....	\$5,265
Current expenses .....	2,650

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Total .....	7,915
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Lookout stations .....	12,280
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Prevention of fires:

Salaries .....	\$950
Current expenses .....	4,050

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Total .....	5,000
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Forest fire bills to towns .....	7,500
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White pine blister rust eradication:

Salaries .....	\$3,795
Current expenses .....	295

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Total .....	4,090
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## Recreation:

Salary of director .....	\$2,200
Seasonal personnel .....	21,790
Clerical expenses .....	850
Current expenses .....	13,160

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Total .....	\$38,000
Less estimated revenue ...	18,548

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Net appropriation .....	19,452
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## Federal emergency project:

Salaries .....	\$1,500
Current expenses .....	3,500

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Total .....	5,000
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Total forestry and recreation department .....	\$89,312
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## For insurance department:

Salary of commissioner .....	\$5,000
Salary of deputy commissioner .....	2,200
Clerical expenses .....	13,100
Current expenses .....	5,440

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Total insurance department .....	\$25,740
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## For bureau of labor:

## Office of commissioner:

Salary of commissioner .....	\$4,000
Clerical expenses .....	5,700
Current expenses .....	3,370

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Total .....	\$13,070
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## Minimum wage division:

Salaries of investigators .....	\$6,000
Clerical expenses .....	2,000
Current expenses .....	3,950

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Total .....	11,950
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Factory inspection:		
Salaries of inspectors .....	\$6,300	
Clerical expenses .....	1,350	
Current expenses .....	3,575	
	<hr/>	
Total .....		11,225
National employment office .....		15,000
		<hr/>
Total bureau of labor .....		\$51,245
For purchasing agent:		
Salary of purchasing agent ....	\$4,000	
Clerical expenses .....	8,850	
Current expenses .....	2,160	
	<hr/>	
Total purchasing agent .....		\$15,010
For state department:		
Office of secretary:		
Salary of secretary .....	\$4,000	
Salary of deputy secretary ..	2,700	
Clerical expenses .....	9,075	
Current expenses .....	2,535	
	<hr/>	
Total .....		\$18,310
Indexing state papers .....		400
State and provincial records .....		3,740
Direct primary .....		450
Australian ballot .....		550
Photostat department:		
Salary of technician .....	\$1,950	
Current expenses .....	625	
	<hr/>	
Total .....		2,575
		<hr/>
Total state department .....		\$26,025
For department of buildings and grounds:		
Salary of superintendent .....	\$2,500	
Other salaries .....	57,740	
Current expenses .....	50,600	

Franklin Pierce homestead main- tenance .....	\$560	
Daniel Webster birthplace main- tenance .....	500	
		<hr/>
Total department of buildings and grounds .....		\$111,900
For mailing department:		
Clerical expenses .....	\$2,330	
Current expenses .....	450	
		<hr/>
Total mailing department .....		\$2,780
For state library:		
Salary of librarian .....	\$2,500	
Clerical expenses .....	10,361	
Current expenses .....	12,385	
		<hr/>
Total state library .....		\$25,246
For state police:		
Salary of superintendent .....	\$4,000	
Salary of deputy superinten- dent .....	3,500	
Other salaries .....	118,025	
Current expenses .....	69,475	
		<hr/>
Total .....	\$195,000	
Less revenue .....	175,000	
		<hr/>
Net appropriation .....		\$20,000

Of the above appropriation the sum of \$175,000 shall be a charge upon the funds received by the state treasurer from fees collected by the motor vehicle department from registration and licensing motor vehicles and operators, and the sum of \$20,000 shall be a charge upon the general funds of the treasury.

For treasury department:

Office of treasurer:

Salary of treasurer .....	\$4,000
Salary of deputy treasurer ..	2,700

Clerical expenses .....	\$12,500	
Current expenses .....	6,035	
	<hr/>	
Total .....		\$25,235
Highway expenses:		
Clerical expenses .....	\$3,350	
Current expenses .....	1,990	
	<hr/>	
Total .....	\$5,340	
Less highway funds .....	5,340	
	<hr/>	
Net appropriation .....		00
Intangible tax division:		
Clerical expenses .....	\$1,950	
Current expenses .....	528	
	<hr/>	
Total .....	\$2,478	
Less revenue .....	2,478	
	<hr/>	
Net appropriation .....		00
Collection of gasoline tax:		
Clerical expenses .....	\$3,000	
Current expenses .....	895	
	<hr/>	
Total .....	\$3,895	
Less revenue .....	3,895	
	<hr/>	
Net appropriation .....		00
Trust fund obligations .....		40,802
Bounties .....		3,500
Burial of soldiers and sailors .....		5,000
	<hr/>	
Total for treasury department .....		\$74,537
For department of weights and measures:		
Salary of commissioner .....	\$3,000	
Salaries of four inspectors.....	8,000	
Clerical expenses .....	1,940	
Current expenses .....	6,935	
	<hr/>	
Total department of weights and measures .....		\$19,875



For University of New Hampshire:

Maintenance chapter 180, section 18 .....	\$552,478.47
Extension work under the Smith-Lever act .....	36,000.00

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Total University of New Hampshire .. \$588,478.47

Section 23, chapter 180 of the Public Laws is hereby suspended for the fiscal year ending June 30, 1942.

For industrial school:

Administration:

Salary of superintendent ....	\$4,000
Salary of assistant superintendent .....	2,600
Clerical expenses .....	2,800
Current expenses .....	2,180

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Total ..... \$11,580

Instruction:

Salaries .....	\$5,080
Current expenses .....	900

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Total ..... 5,980

Custodial care:

Salaries .....	\$21,150
Current expenses .....	17,270

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Total ..... 38,420

Auxiliary to custodial care ..... 590

Operation of plant:

Salaries .....	\$1,710
Current expenses .....	15,050

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Total ..... 16,760

Maintenance of plant:

Salaries .....	\$3,180
Current expenses .....	1,550

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Total ..... 4,730

## Agriculture:

Salaries .....	\$2,655
Current expenses .....	8,575

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Total .....	11,230
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## Parole office:

Salaries .....	\$1,010
Current expenses .....	1,300

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Total .....	2,310
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Total industrial school .....	\$91,600
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## For Laconia state school:

## Administration:

Salary of superintendent.....	\$4,000
Clerical expenses .....	8,030
Current expenses .....	2,703

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Total .....	\$14,733
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## Professional care and treatment:

Salaries .....	\$46,155
Current expenses .....	3,515

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Total .....	49,670
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## Custodial care:

Salaries .....	\$12,396
Current expenses .....	50,025

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Total .....	62,421
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## Operation of plant:

Salaries .....	\$4,600
Current expenses .....	26,125

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Total .....	30,725
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## Maintenance of plant:

Salaries .....	\$7,610
Current expenses .....	4,775

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Total .....	12,385
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## Agriculture:

Salaries .....	\$21,521
Current expenses .....	19,367

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Total .....	\$40,888
Less revenue .....	1,000

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Net appropriation .....	39,888
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Total Laconia state school .....	\$209,822
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## For New Hampshire state hospital:

## Administration:

Salary of superintendent ....	\$5,000
Salary of assistant superintendent .....	3,600
Other salaries .....	26,660
Current expenses .....	8,380

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Total .....	\$43,640
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## Professional care and treatment:

Salaries .....	\$239,324
Current expenses .....	31,360

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Total .....	\$270,684
Less revenue .....	350

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Net appropriation .....	270,334
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## Custodial care:

Salaries .....	\$72,491
Current expenses .....	260,820

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Total .....	\$333,311
Less revenue .....	5,000

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Net appropriation .....	328,311
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## Operation of plant:

Salaries ..... \$27,374

Current expenses ..... 90,648

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 Total .....\$118,022

Less revenue ..... 350

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 Net appropriation ..... 117,672

## Maintenance of plant:

Salaries ..... \$49,000

Current expenses ..... 12,000

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 Total ..... 61,000

## Agriculture:

Salaries ..... \$15,879

Current expenses ..... 35,614

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 Total ..... \$51,493

Less revenue ..... 1,500

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 Net appropriation ..... 49,993

## New medical and surgical building:

Salaries ..... \$18,051

Current expenses ..... 2,220

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 Total ..... 20,271

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 Total state hospital ..... \$889,221

## For soldiers' home:

## Office of commandant:

Salaries ..... \$2,000

Current expenses ..... 370

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 Total ..... \$2,370

## Custodial care:

Salaries ..... \$5,200

Current expenses ..... 8,100

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 Total ..... 13,300

## Professional care and treatment:

Salaries .....	\$3,000
Current expenses .....	560

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Total .....	3,560
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## Operation of plant:

Salaries .....	\$1,455
Current expenses .....	4,540

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Total .....	5,995
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## Maintenance of plant:

Salaries .....	\$ 75
Current expenses .....	1,165

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Total .....	1,240
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## Agriculture:

Salaries .....	\$1,055
Current expenses .....	488

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Total .....	1,535
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Total soldiers' home .....	\$28,000
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## For state prison:

## Administration:

Salary of warden .....	\$3,250
Clerical expenses .....	3,050
Current expenses .....	1,475

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Total .....	\$7,775
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Instruction .....	2,000
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## Custodial care:

Salaries .....	\$40,760
Current expenses .....	46,875

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Total .....	97,635
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Auxiliary to custodial care .....	8,650
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## Operation of plant:

Salaries .....	\$2,982
Current expenses .....	5,850

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Total .....	8,832
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Maintenance of plant .....	3,000
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## Prison farm:

Salaries .....	\$1,955
Current expenses .....	8,545

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Total .....	\$10,500
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Less revenue .....	10,500
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Net appropriation .....	00
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## Parole officer:

Salaries .....	\$4,740
Current expenses .....	3,910

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Total .....	8,650
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## Prison industries:

Personal services .....	\$41,400
Current expenses .....	66,060

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Total requirements .....	\$107,460
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Less estimated revenue....	107,460
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Net appropriation .....	00
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Total state prison .....	\$126,540
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## For state sanatorium:

## Administration:

Salaries .....	\$5,525
Current expenses .....	1,535

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Total .....	\$7,060
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## Professional care and treatment:

Salaries .....	\$18,675
Current expenses .....	6,500

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Total .....	25,175
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## Custodial care:

Salaries ..... \$10,255

Current expenses ..... 24,325

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Total ..... 34,580

## Operation of plant:

Salaries ..... \$8,940

Current expenses ..... 10,756

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Total ..... 19,696

## Maintenance of plant:

Salaries ..... \$1,100

Current expenses ..... 2,900

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Total ..... 4,000

## Agriculture:

Salaries ..... \$3,050

Current expenses ..... 2,300

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Total ..... 5,350

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Total state sanatorium ..... \$95,861

## For milk control board:

Salaries ..... \$8,269

Current expenses ..... 4,606

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Total milk control board ..... \$12,875

## For probation department:

Salary of director ..... \$3,200

Salaries of seven probation  
officers ..... 14,300

Other personal services ..... 9,494

Current expenses ..... 10,997

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Total probation department ..... \$37,991

## For water resources board:

## Administration:

Salaries ..... \$17,400

Current expenses ..... 2,350

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 Total ..... \$19,750

Less income ..... 2,500

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 Total administration ..... \$17,250

## Water control commission:

Salaries ..... \$3,450

Current expenses ..... 790

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 Total ..... 4,240

Stream flow gauging\* ..... \$7,250

Less transfer from highway  
funds ..... 2,750

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 Total ..... 4,500

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 Total water resources board ..... \$25,990

## For state board of education:

## Administration:

Salaries ..... \$40,325

Current expenses ..... 13,650

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 Total ..... \$53,975

Equalization—state aid ..... 350,000

Superintendents' salaries (state share) ... 196,500

Education of deaf ..... 16,000

## Vocational education (Smith-Hughes):

Salaries ..... \$3,675

Current expenses ..... 1,100

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 Total ..... 4,775

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\* Of the sum herein appropriated for stream flow gauging stations, the sum of \$2,750 shall be a charge upon the highway funds.



## George Deen Act:

Salaries .....	\$2,450	
Current expenses .....	2,000	
<hr/>		
Total .....		4,450

## Vocational rehabilitation:

Salaries .....	\$2,525	
Current expenses .....	5,900	
<hr/>		
Total .....		8,425

## Keene teachers college:

Salaries .....	\$125,159	
Current expenses .....	67,400	
<hr/>		
Total .....		192,559

## Plymouth teachers college:

Salaries .....	\$68,750	
Current expenses .....	43,300	
<hr/>		
Total .....		112,050

Total appropriation available for ex- penditure .....	\$938,734
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The revenues, estimated as follows, shall be applied to the above appropriation:

Per capita tax .....	\$155,774	
Literary fund .....	37,000	
Unorganized places .....	7,000	
Rebate (\$3.50 tax) .....	8,000	
Keene teachers college:		
(tuition and board) .....	110,200	
Plymouth teachers college:		
(tuition and board) .....	52,050	
Excess superintendents' salaries	95,000	
<hr/>		
Total estimated revenue .....		\$465,024
Total net estimated appropriation state board of education .....		\$473,710

In addition to the above appropriation said department shall receive for disbursement the income of the teachers' colleges'

dormitories and practice schools, and the sums paid by school districts for the salaries of superintendents under section 40, chapter 117 of the Public Laws. In this department any balance, excepting the equalization fund, which may be unexpended in any fiscal year, shall be placed in a special fund available for use for maintenance purposes the following year by and with the consent of the governor and council.

For board of health:

Office of secretary:

Salary of secretary .....	\$4,000
Clerical expenses .....	1,500
Current expenses .....	3,460

Total .....	\$8,960
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Vital statistics:

Salaries .....	\$4,810
Current expenses .....	800

Total .....	5,610
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Public health nursing:

Salaries .....	\$13,000
Current expenses .....	4,340

Total .....	17,340
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Control of venereal diseases:

Salaries .....	\$7,050
Current expenses .....	3,000

Total .....	10,050
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Purchases of antitoxin .....	1,200
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Maternal and child health:

Salaries .....	\$2,175
Current expenses .....	800

Total .....	2,975
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Crippled childrens' services:

Salaries .....	\$3,600
Current expenses .....	8,100

Total .....	11,700
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## Laboratory of hygiene:

Salaries .....	\$16,850
Current expenses .....	4,725

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Total .....	21,575
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## Sanitation:

Salaries .....	\$8,700
Current expenses .....	3,100

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Total .....	11,800
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Total board of health .....	\$91,210
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## For department of public welfare:

## Administration:

Salary of director .....	\$4,000
Salary of assistant .....	2,200
Other salaries .....	35,097
Current expenses .....	15,690

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Total .....	\$56,987
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## State services:

Salaries .....	\$6,970
Current expenses .....	3,160

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Total .....	10,130
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## Field services:

Salaries .....	\$141,010
Current expenses .....	58,836

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Total .....	199,846
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## Blind administration and services:

Salaries .....	\$10,375
Current expenses .....	7,520

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Total .....	17,895
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Aid to tuberculous persons (teacher) .....	780
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Share of merit system council .....	3,600
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## Civilian conservation corps:

Salaries .....	\$3,180
Current expenses .....	2,160
<hr/>	
Total .....	5,340
Old age assistance .....	2,368,979
Aid to dependent children .....	435,380
Aid to needy blind .....	99,174
Sight conservation .....	5,000
Workshop for the blind .....	16,000
Aid to tuberculous persons .....	80,000
Education of the blind .....	9,000
John Nesmith Fund .....	3,700

Total department of public welfare ...	\$3,311,811
Less income .....	2,045,499

Net appropriation department of  
public welfare .....\$1,266,312

In this department any balances which may be unexpended shall not lapse, but shall be for the further use of the department.

## For bank commission:

Salary of commissioner .....	\$5,000
Salary of deputy commissioners .....	6,000
Clerical expenses .....	19,425
Current expenses .....	11,333

Total .....	\$41,758
Less estimated revenue ...	2,000

Total bank commission ..... \$39,758

## For cancer commission:

Personal services .....	\$18,200
Current expenses .....	46,275

Total .....	\$64,475
Less estimated revenue ....	15,475

Net appropriation cancer commission .. \$49,000

For state planning and development  
commission:

Development division:

Salary of director .....	\$4,000
Clerical expenses .....	12,216
Current expenses .....	46,265

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Total .....	\$62,481
Less estimated revenue .....	2,500

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Total development division .....	\$59,981
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Planning division:

Salary of director .....	\$4,000
Clerical expenses .....	17,572
Current expenses .....	6,100

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Total .....	\$27,672
Less estimated revenue ...	200

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Total planning division .....	27,472
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Division of industrial promotion:

Salaries .....	\$6,450
Current expenses .....	3,950

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Total .....	10,400
Investigation of mineral resources .....	1,500
Land use board .....	250
Tourist service .....	4,000
Regional associations* .....	12,500

For survey of Mt. Sunapee .....	5,000
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The above appropriation of \$5,000 for survey  
of Mt. Sunapee shall not be transferred to any  
other function and shall not lapse.

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Total planning and development com- mission .....	\$121,103
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\* This appropriation shall be administered by the state planning and development commission for the aid of regional development associations. Not more than \$2,500 may be allotted by the commission to any one regional association whose bounds, form of organization and program shall first have been approved by the commission. Any unexpended portion of this appropriation shall lapse and shall not be transferred to any other state appropriation.

## For public library commission:

## Office of commission:

Salary of secretary .....	\$2,000
Clerical expenses .....	7,500
Current expenses .....	950

Total .....	\$10,450
Traveling libraries .....	3,675
Institutes .....	500
Field work .....	3,054
State aid .....	1,000

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Total public library commission .....	\$18,679
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## For public service commission:

Salaries of three commissioners \$15,000

Engineers, legal fees, experts

and clerical services ..... 44,530

Current expenses ..... 29,075

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Total .....	\$88,605
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Less estimated revenue ...	24,065
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Total public service commission .....	\$64,540
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## For tax commission:

## Office of commission:

Salaries of three commission-

ers ..... \$10,000

Clerical expenses ..... 9,500

Current expenses ..... 8,450

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Total tax commission .....	\$27,950
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## Municipal accounting division:

Salary of accountant ..... \$3,250

Clerical expenses ..... 11,725

Current expenses ..... 3,900

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Total .....	\$18,875
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Less estimated revenue ...	5,000
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Net appropriation .....	13,875
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## Assessment of intangible tax:

Salary of director .....	\$2,750
Clerical expenses .....	5,300
Current expenses .....	2,500

Total .....	\$10,550
Less estimated revenue ...	10,550

Net appropriation .....	00
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## Tobacco products tax division:

Salary of director .....	\$2,500
Clerical expenses .....	15,950
Current expenses .....	27,250

Total .....	45,700
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## Assessment of gas and electric utilities tax:

Clerical expenses .....	\$1,950
Current expenses .....	225

Total .....	\$2,175
Less estimated revenue ...	2,175

Net appropriation .....	00
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Total tax commission .....	\$87,525
For pharmacy commission .....	\$3,000
For board of optometry .....	\$725
For board of chiropractic examiners.....	\$850
For registration of veterinary surgeons .....	\$100
For commission of arts and crafts .....	\$10,000
For teachers' retirement board .....	\$20,000
For firemen's retirement board .....	\$20,000
For fish and game department .....	\$235,000
Less estimated revenue .....	235,000

Net appropriation .....	00
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In addition to the above appropriation the fish and game department shall receive for disbursement any income of the fish and game fund, in excess of the above estimate; provided, however, that if said income of the fish and game fund is less

than the above estimate of \$235,000 a sum sufficient to make the total equal to \$235,000 is hereby appropriated from the general funds.

In addition to the sums hereinbefore appropriated there is hereby appropriated the sum of thirty thousand dollars, or such part of said sum as may be necessary for the state house annex sinking fund, as provided in section 6, chapter 172 of the Laws of 1937. Any unexpended balance of this appropriation shall lapse and shall not be transferred to any other state appropriation.

Total appropriation ..... \$5,510,764.47

**2. Takes Effect.** This act shall take effect July 1, 1941.

[Approved June 13, 1941.]

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## CHAPTER 212.

### AN ACT MAKING APPROPRIATIONS FOR THE STATE OF NEW HAMPSHIRE FOR THE YEAR ENDING JUNE 30, 1943.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1. Appropriations.** The sums hereinafter mentioned are appropriated to be paid out of the treasury of the state for the purposes specified for the fiscal year ending June 30, 1943, to wit:

A continuing appropriation which shall not lapse,  
shall not be transferred to any other department,  
institution or account, and which shall  
be for the expenses of the legislature only... \$125,000  
Council of state governments ..... \$250

For the executive department:

Office of the governor:

Salary of governor .....	\$5,000
Salary of governor's secretary .....	3,000
Clerical expenses .....	4,850
Current expenses .....	4,500

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Total office of governor .....	\$17,350
Council per diem and expenses .....	7,500



## Contingent fund:

July 1 to Dec. 31, 1942..... \$2,500

Jan. 1 to June 30, 1943..... 2,500

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 Total contingent fund ..... 5,000
Emergency fund for protection of interests  
of the state:

July 1 to Dec. 31, 1942..... \$22,500

Jan. 1 to June 30, 1943..... 22,500

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 Total emergency fund ..... 45,000

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 Total executive department ..... \$74,850

## For judicial branch:

## Supreme court:

## Salaries of supreme court

justices ..... \$35,000

Salary of clerk of court ..... 2,000

Salary of court reporter .... 1,800

Clerical expenses ..... 1,650

Current expenses ..... 3,800

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 Total ..... \$44,250

Less estimated revenue .... 130

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 Net appropriation supreme court ex-  
penses ..... \$44,120

 Printing and binding New Hampshire  
reports ..... 3,500

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 Total supreme court ..... \$47,620

## Superior court:

## Salaries of superior court

justices ..... \$42,000

Other personal services ..... 200

Current expenses ..... 8,300

Referees and masters ..... 6,000

Expenses of referees and  
masters ..... 1,000

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 Total superior court ..... 57,500

## Probate court:

Salaries of probate court justices .....	\$17,600
Salaries of probate court registers and deputies.....	20,300

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Total probate court .....	37,900
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Total judicial branch .....	\$143,020
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## For adjutant general's department:

## Office of adjutant general:

Salary of adjutant general ..	\$4,000*
Clerical expenses .....	3,600
Current expenses .....	1,200

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Total .....	\$8,800
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## National guard:

Salaries .....	\$45,000
Current expenses — national guard .....	12,750
Current expenses — state guard .....	2,900

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Total .....	60,650
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## Armories:

Salaries .....	\$16,540
Current expenses .....	19,800

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Total .....	36,340
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Rifle ranges .....	960
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Officers' uniforms .....	2,500
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War service recognition .....	600
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Total adjutant general's department..	\$108,850
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\*The above appropriation of \$4,000 for the adjutant general's salary shall not be transferred to or used for any other state function.

## For department of agriculture:

## Office of commissioner:

Salary of commissioner .....	\$3,500
Salary of deputy commis- sioner .....	2,750
Clerical expenses .....	4,390
Current expenses .....	1,993

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Total .....	\$12,633
Institutes and public meetings .....	1,060
Granite State Dairymen's Association ....	500
New Hampshire Horticultural Society.....	1,000
New Hampshire Sheep Breeders' Association	250
Nursery inspection .....	1,000
Feeding stuffs inspection .....	5,000
Fertilizer inspection .....	1,864
Seed inspection .....	1,057
Insecticides and fungicides .....	200
Apiary law .....	300

## Insect suppression:

Salary of deputy commissioner	\$1,600
Salaries of clerks and assist- ants .....	8,450
Current expenses .....	2,500

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Total .....	12,550
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## Dairy inspection:

Salary of inspector .....	\$2,750
Current expenses .....	1,105

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Total .....	3,855
Licensing milk dealers .....	500
Fair exhibits .....	450
Egg inspection .....	2,935
Eastern States Exposition .....	1,500

## Bureau of markets:

Salaries .....	\$3,237
Current expenses .....	825

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Total .....	4,062
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Crop reporting service .....	\$1,000	
Printing and mailing bulletins .....	6,400	
Labeling service .....	500	
Apple grading law .....	1,100	
Division of animal industry:		
Office of veterinarian:		
Salary of state veterinarian	\$3,500	
Clerical expenses .....	10,676	
Current expenses .....	4,075	
		<hr/>
Total .....		18,251
Field expenses:		
Salary of appraiser .....	\$2,500	
Tubercular testing .....	50,000	
Other testing fees .....	2,850	
Current expenses .....	3,000	
		<hr/>
Total .....		58,350
Testing fees .....		15,000
		<hr/>
Total department of agriculture .....		\$151,317
For attorney general's department:		
Salary of attorney general ...	\$6,000	
Salary of assistant attorney gen- eral .....	4,000	
Salary of chief clerk .....	2,000	
Salary of research clerk .....	2,000	
Salary of law clerk .....	1,800	
Salary of chief accountant ...	1,500	
Clerical expenses .....	4,800	
Current expenses .....	3,955	
Fees to registers of probate ...	4,250	
Legacy tax expenses .....	1,100	
		<hr/>
Total attorney general's department..		\$31,405

## For comptroller's department:

## Administration:

Salary of comptroller .....	\$5,000
Salary of assistant comptroller .....	3,300
Clerical expenses .....	18,550
Current expenses .....	2,900

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Total .....	29,750
G. A. R. ....	600
Granite State Deaf Mute Mission .....	150
Old Home Week Association .....	300
New Hampshire Historical Society .....	500
Military organizations .....	200
Firemen's Relief Association .....	4,000
Prisoners' Aid Association .....	600
New Hampshire Veterans' Association ....	1,500

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Total comptroller's department ..... \$37,600

## For forestry and recreation department:

## Administration:

Salary of state forester .....	\$3,500
Salary of assistant forester..	2,500
Clerical expenses .....	8,300
Current expenses .....	4,585

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Total ..... \$18,885

## Nursery:

Salaries .....	\$5,000
Current expenses .....	2,440

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Total ..... 7,440

## Reforestation:

Salaries .....	\$1,000
Current expenses .....	900

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Total ..... 1,900

District fire supervision:		
Salaries .....	\$5,265	
Current expenses .....	2,650	
	<hr/>	
Total .....		7,915
Lookout stations: .....		12,280
Prevention of fires:		
Salaries .....	\$950	
Current expenses .....	4,050	
	<hr/>	
Total .....		5,000
Forest fire bills to towns .....		7,500
White pine blister rust eradication:		
Salaries .....	\$3,845	
Current expenses .....	250	
	<hr/>	
Total .....		4,095
Recreation:		
Salary of director .....	\$2,200	
Other salaries .....	22,900	
Current expenses .....	12,900	
	<hr/>	
Total .....	\$38,000	
Less revenue .....	18,998	
	<hr/>	
Net appropriation .....		19,002
Federal emergency project:		
Salaries .....	\$1,500	
Current expenses .....	3,500	
	<hr/>	
Total .....		5,000
	<hr/>	
Total forestry and recreation department .....		\$89,017
For insurance department:		
Salary of commissioner .....	\$5,000	
Salary of deputy commissioner .....	2,200	
Clerical expenses .....	13,200	
Current expenses .....	5,440	
	<hr/>	
Total insurance department .....		\$25,840

## For bureau of labor:

## Office of commissioner:

Salary of commissioner .....	\$4,000
Clerical expenses .....	5,800
Current expenses .....	3,570

Total .....	\$13,370
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## Minimum wage division:

Salaries of investigators .....	\$6,000
Clerical expenses .....	2,100
Current expenses .....	3,950

Total .....	12,050
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## Factory inspection:

Salaries of inspectors .....	\$6,300
Clerical expenses .....	1,400
Current expenses .....	3,575

Total .....	11,275
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New Hampshire employment office .....	15,000
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Total bureau of labor .....	\$51,695
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## For purchasing agent:

Salary of purchasing agent ....	\$4,000
Clerical expenses .....	8,950
Current expenses .....	2,160

Total purchasing agent .....	\$15,110
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## For state department:

## Office of secretary:

Salary of secretary .....	\$4,000
Salary of deputy secretary ..	2,700
Clerical expenses .....	9,175
Current expenses .....	2,535

Total .....	\$18,410
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Indexing state papers .....	400
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State and provincial records .....	3,740
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Direct primary .....	12,250
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Australian ballot .....	17,700
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Photostat department:		
Salary of technician .....	\$1,950	
Current expenses .....	625	
	<hr/>	
Total .....		2,575
		<hr/>
Total state department .....		\$55,075
For department of buildings and grounds:		
Salary of superintendent .....	\$2,500	
Other salaries .....	59,090	
Current expenses .....	50,600	
Franklin Pierce homestead maintenance .....	410	
Daniel Webster birthplace main- tenance .....	500	
	<hr/>	
Total department of buildings and grounds .....		\$113,100
For mailing department:		
Salaries .....	\$2,400	
Current expenses .....	450	
	<hr/>	
Total mailing department .....		\$2,850
For state library:		
Salary of librarian .....	\$2,500	
Clerical expenses .....	10,525	
Current expenses .....	12,185	
	<hr/>	
Total state library .....		\$25,210
For state police:		
Salary of superintendent .....	\$4,000	
Salary of deputy superintendent .....	3,500	
Other salaries .....	121,675	
Current expenses .....	67,825	
	<hr/>	
Total .....	\$197,000	
Less highway funds .....	175,000	
	<hr/>	
Net appropriation for state police.....		\$22,000



Of the above appropriation the sum of \$175,000 shall be a charge upon the funds received by the state treasurer from fees collected by the motor vehicle department from registration and licensing motor vehicles and operators, and the sum of \$22,000 shall be a charge upon the general funds of the treasury.

For treasury department:

Office of treasurer:

Salary of treasurer .....	\$4,000
Salary of deputy treasurer ..	2,700
Clerical expenses .....	12,850
Current expenses .....	3,667

Total .....	\$23,217
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Highway expenses:

Clerical expenses .....	\$3,500
Current expenses .....	1,450

Total .....	\$4,950
Less highway funds .....	4,950

Net appropriation .....	00
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Intangible tax division:

Clerical expenses .....	\$1,950
Current expenses .....	428

Total .....	\$2,378
Less revenue .....	2,378

Net appropriation .....	00
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Collection of gasoline tax:

Clerical expenses .....	\$3,050
Current expenses .....	1,045

Total .....	\$4,095
Less highway funds .....	4,095

Net appropriation .....	00
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Trust fund obligations .....	\$40,802
Bounties .....	3,500
Burial of soldiers and sailors .....	5,000

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Total treasury department .....	\$72,519
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For department of weights and measures:

Salary of commissioner .....	\$3,000
Salaries of four inspectors.....	8,000
Clerical expenses .....	1,990
Current expenses .....	5,660

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Total weights and measures department	\$18,650
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For University of New Hampshire:

Maintenance, chapter 180, section 18 .....	\$552,478.47
Extension work under the Smith-Lever act .....	36,000.00

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Total University of New Hampshire...	\$588,478.47
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Section 23, chapter 180 of the Public Laws is hereby suspended for the fiscal year ending June 30, 1943.

For industrial school:

Administration:

Salary of superintendent ....	\$4,000
Salary of assistant superintendent .....	2,600
Clerical expenses .....	2,800
Current expenses .....	2,380

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Total .....	\$11,780
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Instruction:

Salaries .....	\$5,130
Current expenses .....	900

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Total .....	6,030
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## Custodial care:

Salaries ..... \$21,460

Current expenses ..... 17,270

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 Total ..... 38,730

Auxiliary to custodial care ..... 590

## Operation of plant:

Salaries ..... \$1,710

Current expenses ..... 15,050

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 Total ..... 16,760

## Maintenance of plant:

Salaries ..... \$3,180

Current expenses ..... 1,550

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 Total ..... 4,730

## Agriculture:

Salaries ..... \$2,715

Current expenses ..... 8,575

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 Total ..... 11,290

## Parole office:

Salaries ..... \$1,010

Current expenses ..... 1,300

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 Total ..... 2,310

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 Total industrial school ..... \$92,220

## For Laconia state school:

## Administration:

Salary of superintendent ..... \$4,000

Clerical expenses ..... 8,134

Current expenses ..... 2,803

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 Total ..... \$14,937

## Professional care and treatment:

Salaries ..... \$46,255

Current expenses ..... 3,515

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 Total ..... 49,770

## Custodial care:

Salaries .....	\$12,396
Current expenses .....	53,325

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Total .....	65,721
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## Operation of plant:

Salaries .....	\$4,760
Current expenses .....	26,125

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Total .....	30,885
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## Maintenance of plant:

Salaries .....	\$7,610
Current expenses .....	4,775

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Total .....	12,385
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## Agriculture:

Salaries .....	\$21,521
Current expenses .....	19,367

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Total .....	\$40,888
Less revenue .....	1,000

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Net appropriation .....	39,888
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Maintenance and operation of new dormitory .....	47,650
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Total Laconia state school .....	\$261,236
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## For New Hampshire state hospital:

## Administration:

Salary of superintendent ....	\$5,000
Salary of assistant superin- tendent .....	3,600
Other salaries .....	26,760
Current expenses .....	8,680

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Total .....	\$44,040
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Professional care and treatment:	
Salaries .....	\$235,574
Current expenses .....	31,360
	<hr/>
Total .....	\$266,934
Less revenue .....	350
	<hr/>
Net appropriation .....	266,584
Custodial care:	
Salaries .....	\$72,811
Current expenses .....	271,920
	<hr/>
Total .....	\$344,731
Less revenue .....	5,000
	<hr/>
Net appropriation .....	339,731
Operation of plant:	
Salaries .....	\$27,424
Current expenses .....	91,598
	<hr/>
Total .....	\$119,022
Less revenue .....	350
	<hr/>
Net appropriation .....	118,672
Maintenance of plant:	
Salaries .....	\$49,000
Current expenses .....	12,000
	<hr/>
Total .....	61,000
Agriculture:	
Salaries .....	\$15,879
Current expenses .....	34,864
	<hr/>
Total .....	\$50,743
Less revenue .....	1,500
	<hr/>
Net appropriation .....	49,243

## New medical and surgical building:

Salaries .....	\$22,728
Current expenses .....	2,220

Total .....	24,948
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Total state hospital .....	\$904,218
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## For soldiers' home:

## Office of the commandant:

Salaries .....	\$2,000
Current expenses .....	370

Total .....	\$2,370
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## Custodial care:

Salaries .....	\$5,200
Current expenses .....	8,100

Total .....	13,300
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## Professional care and treatment:

Salaries .....	\$3,000
Current expenses .....	560

Total .....	3,560
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## Operation of plant:

Salaries .....	\$1,455
Current expenses .....	4,540

Total .....	5,995
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## Maintenance of plant:

Salaries .....	\$ 75
Current expenses .....	1,165

Total .....	1,240
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## Agriculture:

Salaries .....	\$1,055
Current expenses .....	480

Total .....	1,535
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Total soldiers' home .....	\$28,000
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For state prison:

Administration:

Salary of warden .....	\$3,250
Clerical expenses .....	3,050
Current expenses .....	1,625

Total .....	\$7,925
Instruction .....	2,000

Custodial care:

Salaries .....	\$40,760
Current expenses .....	46,875

Total .....	87,635
Auxiliary to custodial care .....	8,650

Operation of plant:

Salaries .....	\$2,982
Current expenses .....	5,850

Total .....	8,832
Maintenance of plant .....	3,000

Prison farm:

Salaries .....	\$1,955
Current expenses .....	8,545

Total .....	\$10,500
Less revenue .....	10,500

Net appropriation .....	00
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Parole officer:

Salaries .....	\$4,790
Current expenses .....	3,910

Total .....	8,700
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## Prison industries:

Personal services .....	\$41,400
Current expenses .....	66,060

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Total requirements .....\$107,460

Less estimated revenue ..... 107,460

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Net appropriation ..... 00

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Total state prison ..... \$126,742

## For state sanatorium:

## Administration:

Salary of superintendent ....	\$4,000
Clerical expenses .....	1,575
Current expenses .....	1,685

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Total ..... \$7,260

## Professional care and treatment:

Salaries .....	\$18,675
Current expenses .....	6,500

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Total ..... 25,175

## Custodial care:

Salaries .....	\$10,265
Current expenses .....	23,325

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Total ..... 33,590

## Operation of plant:

Salaries .....	\$8,940
Current expenses .....	10,756

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Total ..... 19,696

## Maintenance of plant:

Salaries .....	\$1,100
Current expenses .....	2,100

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Total ..... 3,200



## Agriculture:

Salaries ..... \$3,050

Current expenses ..... 2,300

Total .....	5,350
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Total state sanatorium .....	\$94,271
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## For milk control board:

Salaries ..... \$8,344

Current expenses ..... 4,406

Total milk control board .....	\$12,750
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## For probation department:

Salary of director ..... \$4,000

Salaries of seven probation  
officers ..... 14,300

Other personal services ..... 9,894

Current expenses ..... 11,297

Total probation department .....	\$39,491
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## For water resources board:

## Administration:

Salaries ..... \$18,050

Current expenses ..... 2,350

Total .....	\$20,400
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Less estimated revenue ...	2,600
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Net appropriation .....	\$17,800
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## Water control commission:

Salaries ..... \$3,500

Current expenses ..... 790

Total .....	4,290
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Stream flow gauging* .....	\$7,250	
Less transfer from highway funds .....	2,750	
		<hr/>
Total .....		4,500

Total water resources board .....	\$26,590
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For state board of education:

Administration:

Salaries .....	\$40,400
Current expenses .....	13,650

Total .....	\$54,050
Equalization—state aid .....	350,000
Superintendents' salaries .....	196,500
Education of deaf .....	16,000

Vocational education (Smith-Hughes):

Salaries .....	\$3,725
Current expenses .....	1,100

Total .....	4,825
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George Deen Act:

Salaries .....	\$2,450
Current expenses .....	2,000

Total .....	4,450
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Vocational rehabilitation:

Salaries .....	\$2,550
Current expenses .....	5,900

Total .....	8,450
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Keene teachers college:

Salaries .....	\$122,159
Current expenses .....	62,200

Total .....	184,359
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\* Of the sum herein appropriated for stream flow gauging stations, the sum of \$2,750 shall be a charge upon the highway funds.

## Plymouth teachers college:

Salaries .....	\$71,450
Current expenses .....	46,870

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Total .....	118,320
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Total appropriation available for expenditures .....	\$936,954
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The revenues, estimated as follows, shall be applied to the above appropriation:

Per capita tax .....	\$154,174
Literary fund .....	37,000
Unorganized places .....	7,000
Rebate (\$3.50 tax) .....	8,000
Keene teachers college, tuition and board .....	100,200
Plymouth teachers college, tuition and board .....	62,050
Excess superintendents' salaries .....	95,000

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Total estimated revenue .....	463,424
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Total net estimated appropriation board of education .....	\$473,530
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In addition to the above appropriation said department shall receive for disbursement the income of the teachers' colleges' dormitories and practice schools, and the sums paid by school districts for the salaries of superintendents under section 40, chapter 117 of the Public Laws. In this department any balance, excepting the equalization fund, which may be unexpended in any fiscal year, shall be placed in a special fund available for use for maintenance purposes the following year by and with the consent of the governor and council.

## For board of health:

## Office of secretary:

Salary of secretary .....	\$4,000
Clerical expenses .....	1,500
Current expenses .....	3,460

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Total .....	\$8,960
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## Vital statistics:

Salaries .....	\$4,910
Current expenses .....	800

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Total .....	5,710
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## Public health nursing:

Salary of director .....	\$2,400
Salaries of nurses .....	8,800
Clerical expenses .....	1,800
Current expenses .....	4,340

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Total .....	17,340
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## Control of venereal diseases:

Salaries .....	\$7,100
Current expenses .....	3,000

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Total .....	10,100
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Purchase of antitoxin .....	1,200
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## Maternal and child health:

Salaries .....	\$2,225
Current expenses .....	800

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Total .....	3,025
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## Crippled children's services:

Salaries .....	\$3,600
Current expenses .....	8,100

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Total .....	11,700
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## Laboratory of hygiene:

Salary of director .....	\$4,000
Other salaries .....	12,950
Current expenses .....	4,725

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Total .....	21,675
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## Sanitation:

Salaries .....	\$8,700
Current expenses .....	3,100

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Total .....	11,800
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Total board of health .....	\$91,510
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## For department of public welfare:

## Administration:

Salary of director .....	\$4,000
Salary of assistant director ..	2,200
Other salaries .....	35,707
Current expenses .....	16,700

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Total .....	\$58,607
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## State services:

Salaries .....	\$7,120
Current expenses .....	2,950

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Total .....	10,070
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## Field services:

Salaries .....	\$158,520
Current expenses .....	62,971

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Total .....	221,491
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## Blind administration and services:

Salaries .....	\$10,575
Current expenses .....	6,620

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Total .....	17,195
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Aid to tuberculous persons (teacher) .....	780
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Share of merit system council .....	3,600
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## Civilian conservation corps:

Salaries .....	\$3,230
Current expenses .....	1,800

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Total .....	5,030
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Old age assistance .....	2,790,825
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Aid to dependent children .....	486,030
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Aid to needy blind .....	105,607
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Sight conservation .....	5,000
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Workshop for the blind .....	16,000
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Aid to tuberculous persons .....	80,000
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Education of the blind .....	\$9,000
John Nesmith fund .....	3,700

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Total department of public welfare .....	\$3,812,935
Less estimated revenue .....	2,388,596

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Net appropriation department of public welfare .....	\$1,424,339
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In this department any balances which may be unexpended shall not lapse, but shall be for the further use of the department.

For bank commission:

Salary of commissioner .....	\$5,000
Salaries of deputy commissioners .....	6,000
Clerical expenses .....	19,475
Current expenses .....	11,283

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Total .....	\$41,758
Less estimated revenue ...	2,000

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Net appropriation bank commission...	\$39,758
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For cancer commission:

Salaries .....	\$18,200
Current expenses .....	47,275

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Total .....	\$65,475
Less estimated income ....	15,475

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Net appropriation cancer commission..	\$50,000
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For state planning and development commission:

Development division:

Salary of director .....	\$4,000
Clerical expenses .....	12,616
Current expenses .....	46,265

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Total .....	\$62,881
Less estimated revenue ...	2,500

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Net appropriation development division	\$60,381
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## Planning division:

Salary of director .....	\$4,000
Clerical expenses .....	17,922
Current expenses .....	6,100

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Total ..... \$28,022

Less estimated revenue .... 200

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Net appropriation planning division... \$27,822

## Division of industrial promotion:

Salaries .....	\$6,500
Current expenses .....	3,950

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Total ..... 10,450

Land use board ..... 250

Tourist service ..... 4,000

Regional Associations\* ..... 12,500

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Total planning and development com-  
mission ..... \$115,403

## For public library commission:

## Office of commission:

Salary of secretary .....	\$2,000
Clerical expenses .....	7,600
Current expenses .....	1,100

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Total ..... \$10,700

Traveling libraries ..... 3,675

Institutes ..... 500

Field work ..... 2,504

State aid ..... 1,000

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Total public library commission ..... \$18,379

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\* This appropriation shall be administered by the state planning and development commission for the aid of regional development associations. Not more than \$2,500 may be allotted by the commission to any one regional association whose bounds, form of organization and program shall first have been approved by the commission. Any unexpended portion of this appropriation shall lapse and shall not be transferred to any other state appropriation.

## For public service commission:

Salaries of three commissioners \$15,000

Engineers, legal fees, experts  
and clerical services ..... 47,230

Current expenses ..... 29,175

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Total ..... \$91,405

Less estimated revenue .... 24,700

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Total public service commission..... \$66,705

## For tax commission:

## Office of commission:

Salaries of three commission-  
ers ..... \$10,000

Clerical expenses ..... 9,500

Current expenses ..... 7,650

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Total ..... \$27,150

## Municipal accounting division:

Salary of accountant ..... \$3,250

Clerical expenses ..... 11,775

Current expenses ..... 3,900

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Total ..... \$18,925

Less estimated revenue .... 5,000

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Net appropriation ..... 13,925

## Assessment of intangible tax:

Salary of director ..... \$2,750

Clerical expenses ..... 5,400

Current expenses ..... 2,500

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Total ..... \$10,650

Less estimated revenue .... 10,650

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Total net appropriation ..... 00



## Tobacco products tax division:

Salary of director .....	\$2,500
Clerical expenses .....	16,050
Current expenses .....	27,250

Total .....	45,800
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## Assessment of gas and electric utilities tax:

Clerical expenses .....	\$1,950
Current expenses .....	225

Total .....	\$2,175
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Less estimated revenue ...	2,175
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Net appropriation .....	00
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Total tax commission .....	\$86,875
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For pharmacy commission .....	\$3,000
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For board of optometry .....	\$725
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For board of chiropractic examiners .....	\$850
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For registration of veterinary surgeons .....	\$100
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For commission of arts and crafts .....	\$10,000
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For teachers' retirement board .....	\$20,000
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For firemen's retirement board .....	\$20,000
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For fish and game department ....	\$235,000
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Less estimated revenue.....	235,000
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Net appropriation .....	00
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In addition to the above appropriation the fish and game department shall receive for disbursement any income of the fish and game fund, in excess of the above estimate; provided, however, that if said income of the fish and game fund is less than the above estimate of \$235,000 a sum sufficient to make the total equal to \$235,000 is hereby appropriated from the general funds.

In addition to the sums hereinbefore appropriated there is hereby appropriated the sum of thirty thousand dollars (\$30,000), or such part of said sum as may be necessary for the state house annex sinking fund, as provided in section 6,

chapter 172 of the Laws of 1937. Any unexpended balance of this appropriation shall lapse and shall not be transferred to any other state appropriation.

Total appropriation .....\$5,789,528.47

**2. Takes Effect.** This act shall take effect July 1, 1942.

[Approved June 13, 1941.]

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## CHAPTER 213.

### AN ACT RELATING TO HOUSING.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1. Finding and Declaration of Necessity.** It is hereby found and declared that the national-defense program involves large increases in the military forces and personnel in this state, a great increase in the number of workers in already established manufacturing centers and the bringing of a large number of workers and their families to new centers of defense industries in the state; that there is an acute shortage of safe and sanitary dwellings available to such persons and their families in this state which impedes the national-defense program; that it is imperative that action be taken immediately to assure the availability of safe and sanitary dwellings for such persons to enable the rapid expansion of national-defense activities in this state and to avoid a large labor turnover in defense industries which would seriously hamper their production; that the provisions hereinafter enacted are necessary to assure the availability of safe and sanitary dwellings for persons engaged in national-defense activities which otherwise would not be provided at this time; and that such provisions are for the public use and purpose of facilitating the national-defense program in this state. It is further declared to be the purpose of this act to authorize housing authorities to do any and all things necessary or desirable to secure the financial aid of the federal government, or to cooperate with or act as agent of the federal government, in the expeditious development and the administration of projects to assure the availability when needed of safe and sanitary dwellings for persons engaged in national-defense activities.

**2. Defense Housing by Housing Authorities.** Any housing authority may undertake the development and administration of projects to assure the availability of safe and sanitary dwellings for persons engaged in national-defense activities whom the housing authority determines would not otherwise be able to secure safe and sanitary dwellings within the vicinity thereof, but no housing authority shall initiate the development of any such project pursuant to this act after December 31, 1943.

In the ownership, development or administration of such projects, a housing authority shall have all the rights, powers, privileges and immunities that such authority has under any provision of law relating to the ownership, development or administration of slum clearance and housing projects for persons of low income, in the same manner as though all the provisions of law applicable to slum clearance and housing projects for persons of low income were applicable to projects developed or administered to assure the availability of safe and sanitary dwellings for persons engaged in national-defense activities as provided in this act, and housing projects developed or administered hereunder shall constitute "housing projects" under the housing authorities law, as that term is used therein; provided, that during the period (herein called the "national-defense period") that a housing authority finds (which finding shall be conclusive in any suit, action or proceeding) that within its area of operation (as defined in the housing authorities law), or any part thereof, there is an acute shortage of safe and sanitary dwellings which impedes the national-defense program in this state and that the necessary safe and sanitary dwellings would not otherwise be provided when needed for persons engaged in national-defense activities, any project developed or administered by such housing authority (or by any housing authority cooperating with it) in such area pursuant to this act, with the financial aid of the federal government (or as agent of the federal government as hereinafter provided), shall not be subject to the limitations on rentals and tenant selection provided in the housing authorities law; and provided further, that, during the national-defense period, a housing authority may make payments in such amounts as it finds necessary or desirable

for any services, facilities, works, privileges or improvements furnished for or in connection with any such projects. After the national-defense period, any such projects owned and administered by a housing authority shall be administered for the purposes and in accordance with the provisions of the housing authorities law.

**3. Acting for Federal Government on Defense Housing.** A housing authority may exercise any or all of its powers for the purpose of cooperating with, or acting as agent for, the federal government in the development or administration of projects by the federal government to assure the availability of safe and sanitary dwellings for persons engaged in national-defense activities and may undertake the development or administration of any such project for the federal government. In order to assure the availability of safe and sanitary housing for persons engaged in national-defense activities, a housing authority may sell (in whole or in part) to the federal government any housing project developed for persons of low income but not yet occupied by such persons; such sale shall be at such price and upon such terms as the housing authority shall prescribe and shall include provision for the satisfaction of all debts and liabilities of the authority relating to such project.

**4. Cooperation by Municipalities on Defense Housing.** Any municipality, as defined in the housing authorities law, shall have the same rights and powers to cooperate with the housing authorities, or with the federal government, with respect to the development or administration of projects to assure the availability of safe and sanitary dwellings for persons engaged in national-defense activities that such municipality has pursuant to such law for the purpose of assisting the development or administration of slum clearance or housing projects for persons of low income.

**5. Bonds for Defense Housing Legal Investments.** Bonds or other obligations issued by a housing authority for a project developed or administered pursuant to this act shall be security for public deposits and legal investments to the same extent and for the same persons, institutions, associations, corporations, bodies and officers as bonds or other obligations issued pursuant to the housing authorities law for the develop-

ment of a slum clearance or housing project for persons of low income.

**6. Removal of Restrictions for Defense Housing.** This act shall constitute an independent authorization for a housing authority to undertake the development or administration of projects to assure the availability of safe and sanitary dwellings for persons engaged in national-defense activities as provided in this act and for a housing authority to cooperate with, or act as agent for, the federal government in the development or administration of similar projects by the federal government. In acting under this authorization, a housing authority shall not be subject to any limitations, restrictions or requirements of other laws (except those relating to land acquisition) prescribing the procedure or action to be taken in the development or administration of any public works, including slum clearance and housing projects for persons of low income or undertakings or projects of municipal or public corporations or political subdivisions or agencies of the state. A housing authority may do any and all things necessary or desirable to cooperate with, or act as agent for, the federal government, or to secure financial aid, in the expeditious development or in the administration of projects to assure the availability of safe and sanitary dwellings for persons engaged in national-defense activities and to effectuate the purposes of this act.

**7. Definitions.**

I. "Persons engaged in national-defense activities," as used in this act, shall include: enlisted men in the military and naval services of the United States and employees of the war and navy departments assigned to duty at military or naval reservations, posts or bases; and workers engaged or to be engaged in industries connected with and essential to the national-defense program; and shall include the families of the aforesaid persons who are living with them.

II. "Persons of low income," as used in this act, shall mean persons or families who lack the amount of income which is necessary (as determined by the housing authority undertaking the housing project) to enable them, without financial assistance, to live in decent, safe and sanitary dwellings, without overcrowding.

III. "Development," as used in this act, shall mean any and all undertakings necessary for the planning, land acquisition, demolition, financing, construction or equipment in connection with a project (including the negotiation or award of contracts therefor), and shall include the acquisition of any project (in whole or in part) from the federal government.

IV. "Administration," as used in this act, shall mean any and all undertakings necessary for management, operation or maintenance, in connection with any project, and shall include the leasing of any project (in whole or in part) from the federal government.

V. "Federal government," as used in this act, shall mean the United States of America or any agency or instrumentality, corporate or otherwise, of the United States of America.

VI. The development of a project shall be deemed to be "initiated", within meaning of this act, if a housing authority has issued any bonds, notes or other obligations with respect to financing the development of such project of the authority, or has contracted with the federal government with respect to the exercise of powers hereunder in the development of such project of the federal government for which an allocation of funds has been made prior to December 31, 1943.

VII. "Housing authority," as used in this act, shall mean any housing authority established pursuant to the housing authorities law\* enacted at the 1941 session of the legislature.

8. **Act Supplemental.** The powers conferred by this act shall be in addition and supplemental to the powers conferred by any other law, and nothing contained herein shall be construed as limiting any other powers of a housing authority.

9. **Severability.** Notwithstanding any other evidence of legislative intent it is hereby declared to be the controlling legislative intent that if any provision of this act, or the application thereof to any persons or circumstances is held invalid, the remainder of the act and the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.

10. **Takes Effect.** This act shall take effect upon its passage.

[Approved June 13, 1941.]

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\* Chapter 222, *post*.

## CHAPTER 214.

AN ACT RELATING TO THE PAYMENT OF COUNTY TAXES.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1. County Taxes.** Amend chapter 39 of the Public Laws (chapter 48, commissioners' report) by adding after section 10, as amended by chapter 50, Laws of 1933, and chapter 42, Laws of 1939, the following new section: **10-a. Abatement of Interest.** Any town from which interest is due to the county on its county taxes, whenever assessed, may through its selectmen file with the chairman of the county convention a petition for an abatement of all or any part of such interest, and the county convention is hereby granted the power to abate all or any part thereof if it finds that such town was unable to pay its county taxes on the date when due because of extraordinary economic conditions, difficulty in collecting taxes due such town, or other good cause shown. Whenever a special meeting of the county convention is called to hear such a petition, the compensation of the members thereof provided by statute shall be paid by the petitioner.

**2. Takes Effect; Application.** This act shall take effect upon its passage and shall apply to interest which has accrued prior to the enactment hereof.

[Approved June 13, 1941.]

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CHAPTER 215.

AN ACT REGULATING THE SIZE OF CLAMS WHICH MAY BE POSSESSED.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1. Taking and Possessing Clams.** Amend section 60 of chapter 201 of the Public Laws as inserted by chapter 169, Laws of 1939 (section 60, chapter 236, commissioners' report) by striking out said section and inserting in place thereof the following: **60. Regulations as to Size; Licenses.** No person shall buy, sell, give away or expose for sale, or possess

for any purpose any clams in their shells in any measure or container unless at least ninety per cent by volume and by count of said clams are of a size of not less than two inches by their longest dimension. No person, unless he is a resident of this state, shall take clams, and no such resident who is sixteen years of age and over shall take clams unless he has secured a license therefor from the director. The director is hereby authorized to make all reasonable rules and regulations to carry out the provisions of this section. The fee for an annual license shall be one dollar. However, if a person desires to take clams for his own consumption, he may do so on a permit. Such permit shall be issued under the rules and regulations as prescribed by the director. A fee of not over fifteen cents shall be charged for issuing this permit, and it shall allow the taking of not more than one-half bushel of clams at a time, for a period of one year. No person except as herein provided shall at any time engage in this state in the business of buying or selling clams without first procuring a license. Such license shall be issued by the director upon payment of a fee of five dollars, and such license shall be for a period of one year.

**2. Search and Seizure.** Any conservation officer shall have power to secure and execute search warrants in pursuance thereof in any building, enclosure, vehicle, or car, and to break open any compartment, chest, locker, box, trunk, crate, basket, bag, package, or container, and to examine the contents thereof; to seize and take possession of any clams which have been dug, taken, or had in possession or under control, or which have been shipped or are about to be shipped at any time, in any manner, or for any purpose, contrary to the laws of this state; to seize all baskets, cars, or other receptacles or containers or contrivances, except boats, used in violation of any law, rule or regulation relating to the taking of clams, when making arrest, or when these clams are found in the execution of a search warrant, and hold the same until the fine and costs imposed for such violation have been paid in full. In the event that the owner cannot be apprehended, such receptacles, containers, or contrivances may be sold to pay the cost. A person found guilty of violation of any clam



laws or regulations shall be fined not less than five dollars, or more than fifty dollars; and if he holds a license, the license may be revoked for such length of time as the director may designate.

**3. Takes Effect.** This act shall take effect July first, 1941.  
[Approved June 13, 1941.]

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## CHAPTER 216.

### AN ACT TO EXEMPT COOPERATIVE MARKETING ASSOCIATIONS FROM REGULATION AS CARRIERS FOR HIRE.

*Be it enacted by the Senate and House of Representatives in  
General Court convened:*

**1. Exemption of Vehicles of Cooperative Marketing Associations.** Amend section 4 of chapter 106, Laws of 1933 (section 4, chapter 281, commissioners' report) by adding at the end thereof the following new paragraph: V. Motor vehicles principally engaged in the transportation of agricultural products, by-products or supplies and owned or operated by cooperative marketing associations organized under the provisions of Public Laws, chapter 224, so that said section as amended shall read: **4. Exemptions.** There shall be exempted from the provisions of this act:

I. Motor vehicles not principally engaged in the transportation of property for hire.

II. Motor vehicles operating exclusively within the limits of a single city or incorporated town or within ten miles of the limits thereof or motor vehicles operating beyond such ten-mile limit on occasional trips, not exceeding two trips in any thirty-day period.

III. Motor vehicles while engaged exclusively in work for any branch of the government of the United States or for any department of this state, or for any county, city, town or village.

IV. Motor vehicles engaged exclusively while in the delivery of the United States mail.

V. Motor vehicles principally engaged in the transportation of agricultural products, by-products or supplies and

owned or operated by cooperative marketing associations organized under the provisions of Public Laws, chapter 224.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved June 13, 1941.]

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## CHAPTER 217.

AN ACT RELATING TO FOREST FIRES AND THEIR PREVENTION.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1. Purchase of Equipment.** Amend chapter 191 of the Public Laws by adding after section 9 the following new section: **9-a. Forest Fire-Fighting Equipment.** The state forester is hereby authorized to purchase forest fire-fighting equipment for resale to towns on such terms as the forestry and recreation commission may approve.

**2. Apportionment Changed.** Amend section 23 of chapter 191 of the Public Laws as amended by chapter 133 of the Laws of 1929 (commissioners' report, chapter 225, section 23) by striking out said section and inserting in place thereof the following: **23. Apportionment.** The expenses of fighting forest and brush fires in towns, and other expenses lawfully incurred by wardens and deputy wardens of said towns in preventing forest fires, shall be borne equally by the municipality and the state, except as otherwise herein provided, and except that when in any one town or city fiscal year the net total of sums required for the suppression and prevention of forest and brush fires, excluding the initial cost of fire-fighting equipment, to be so borne by such municipality, computed at rates within limits established by the forestry and recreation commission and the state forester, shall equal one-half of one per cent of the total assessed valuation on such municipality for the preceding tax year, expenses incurred in excess of such sum shall be borne entirely by the state on the basis of the rate limits above specified.

**3. Mills Registered.** Amend section 55 of chapter 191 of the Public Laws by striking out said section and inserting in place thereof the following: **55. Registration.** No person

shall in any year operate or cause to be operated any portable mill sawing lumber or other mill sawing lumber, in or near woodlands as defined in section 30 of chapter 197 of the Public Laws as inserted by chapter 124 of the Laws of 1935, or where fire may be communicated to such land, except mills chiefly propelled by water power, until said mill shall be registered by the state forestry and recreation commission. Application for registration shall be in writing, giving the name of the owner or owners, the location and type of mill and such other pertinent information as the commission may require. No registration of a portable mill shall be granted until the applicant therefor has furnished a receipt or certificate showing that the taxes assessed thereon for the preceding year have been paid.

4. **Fees.** Amend section 56 of chapter 191 of the Public Laws by striking out said section and inserting in place thereof the following: **56. ———, Fees.** Registration shall, in all cases, expire December thirty-first of each year. The fee for such registration shall be ten dollars, unless application is made after October first, in which case the fee shall be three dollars.

5. **Equipment Required.** Amend section 59 of chapter 191 of the Public Laws by striking out said section and inserting in place thereof the following: **59. Equipment.** All portable steam mills, except when the ground is covered with snow, shall be equipped with a suitable spark arrester to prevent forest fires, and all mills subject to registration hereunder which dispose of mill waste by burning, except when the ground is covered with snow, shall be equipped with incinerators approved by the state forester. All mills subject to registration hereunder shall also be equipped with such fire-fighting equipment as the state forester shall specify, provided the cost thereof does not exceed twenty-five dollars for each mill.

6. **Removal.** Amend section 60 of chapter 191 of the Public Laws by striking out said section and inserting in place thereof the following: **60. Removal of Slash and Storage of Combustibles.** No portable or other mill sawing lumber, except mills chiefly propelled by water power, shall be operated unless the slash caused by wood and timber cuttings and other in-

flammable material except sawdust and fuel wood piled in commercial order, has been removed for a distance of one hundred feet in all directions from the mill, sawdust pile and incinerator, and unless the sawdust pile is kept not less than twenty-five feet from the incinerator and suitable precautions against fire are taken in the storage and handling of gasoline, fuel oil, and other combustibles.

**7. Regulations.** Amend chapter 191 of the Public Laws by adding after section 64 the following new section: **64-a. Rules and Regulations.** It shall be the duty of the state forester to make and adopt such reasonable rules and regulations as may be necessary to give effect to the provisions of sections 55 to 64, inclusive.

**8. Protection Against Fires.** Amend chapter 197 of the Public Laws by adding after section 29 as inserted by chapter 124 of the Laws of 1935 (commissioners' report, chapter 232, section 29) the following new section: **29-a. Other Precautions.** During periods when woodland is closed, the operation of saw mills and other machine units, except trucks and pleasure motor vehicles, in or near woodland may also be suspended and smoking prohibited. All persons engaged in lumbering operations may be required to furnish sufficient fire guards to patrol areas under operation, to provide sufficient fire-fighting tools which shall be located at convenient places therein, to forbid smoking within such areas and to take all other reasonable precautions to prevent fires. Each day's violation of any such suspension and each day's failure to meet any requirement hereof shall constitute a separate offense for which a fine of ten dollars may be imposed. Unlawful smoking shall be punishable by a fine of ten dollars.

**9. Appropriation.** For the purpose of providing additional funds for the forestry and recreation commission the sum of nine thousand dollars is hereby appropriated for the following specific purposes: The sum of five thousand dollars for the purchase of forest fire-fighting equipment, as authorized by section 9-a of chapter 191 of the Public Laws; the sum of two thousand five hundred dollars for administrative expenses in connection with enforcement of the provisions of sections 7 and 8 of this act, and one thousand five hundred dollars for replacement or repair of fire-fighting equipment destroyed or

damaged by the forest fires of the spring of 1941. The governor is hereby authorized to draw his warrants for the sums hereby appropriated out of any money in the treasury not otherwise appropriated.

**10. Takes Effect.** This act shall take effect upon its passage, except that the new apportionment of expenses for the suppression and prevention of forest fires, provided for by section 2 of this act, shall apply to all cases where such expenses have been incurred since April 1, 1941.

[Approved June 13, 1941.]

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## CHAPTER 218.

### AN ACT PROVIDING FOR THE APPOINTMENT OF ACTING OFFICIALS IN CERTAIN CASES.

*Be it enacted by the Senate and House of Representatives in  
General Court convened:*

**1. Acting Heads of Departments, etc.** In case the head of any state department or institution, or the member of any state agency, board or commission has entered or is ordered into or enlists in the military or naval service of the United States, in connection with the strengthening of the national defense in the present emergency, the governor, with the approval of the council, may appoint an acting head or member who shall have all the powers, perform all the duties and assume all the responsibilities of the person for whom he is acting; except that the supreme court may appoint any such acting members of the state tax commission.

**2. Other Officials and Employees.** In case any other official or employee of the state has entered or is ordered into or enlists in the military or naval service of the United States in such emergency, the appointing or employing authority of such official or employee under the present law may appoint or employ an acting official or employee who shall have all the powers, perform all the duties and assume all the responsibilities of such official or employee for whom he is acting.

**3. Termination of Powers, etc.** The powers, duties and compensation of any department head, of any member of a state agency, board or commission, or of any other state

official or employee shall temporarily cease upon such entry in the military or naval service of the United States, and the appointment, under authority hereof, of any acting member of any state agency, board or commission shall in no manner be deemed to be an enlargement of the legally prescribed membership of such agency, board or commission.

**4. Term of Office.** The term of office of any person appointed under authority hereof shall end upon the return to state service of the person for whom such person is acting and in any event upon the expiration of the term of office of such person. If such person shall die while in the military or naval service of the United States, the person acting in his absence shall hold office until the vacancy has by law been filled.

**5. Reappointment.** Any member of a state agency, board or commission who is in such military or naval service may be reappointed upon the expiration of his term of office during such service, and an acting member may be appointed in his place under like terms and conditions as herein provided for the appointment of acting officials.

**6. Compensation.** The compensation of any person appointed, under the authority hereof, shall be determined by the same authority as the compensation of the person for whom such person is acting.

**7. Takes Effect.** This act shall take effect upon its passage.

[Approved June 13, 1941.]

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## CHAPTER 219.

### AN ACT RELATIVE TO THE SALE OF ALCOHOLIC BEVERAGES.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1. State Liquor Commission.** Amend chapter 3 of the Laws of the special session of 1934 (chapter 167, commissioners' report) by adding after section 39 the following new sections: **39-a. Hearings and Investigations.** The commission shall have power to adopt and publish rules to govern its proceedings and to regulate the mode and manner of all in-

vestigations and hearings before it. In any such investigation or hearing the commission shall not be bound by the technical rules of evidence. The commission, or any member thereof, shall have power to subpoena witnesses and administer oaths in any proceeding or examination instituted before or conducted by it, and to compel, by subpoena, the production of any accounts, books, contracts, records, documents, memoranda and papers of any kind whatever. Witnesses summoned before the commission shall be paid the same fees as witnesses summoned to appear before the superior court, and such summons issued by any justice of the peace shall have the same effect as though issued for appearance before such court.

**39-b. Testimonial Privilege.** No person shall be excused from testifying or from producing any book or paper in any investigation or hearing before the commission, when ordered to do so by the commission, upon the ground that the testimony or evidence, book or document required of him may tend to incriminate him or subject him to a penalty or forfeiture; but no person shall be prosecuted, punished or subjected to any penalty or forfeiture for or on account of any act, transaction, matter or thing concerning which under oath, after claiming his privilege, he shall by order of the commission have testified or produced documentary evidence. No person so testifying shall be exempt from prosecution or punishment for any perjury committed by him in his testimony.

**2. Sale of Beverages.** Amend section 24, chapter 99 of the Laws of 1933 (section 73, chapter 167, commissioners' report) by striking out said section and inserting in place thereof the following: **24. Prohibitions.** If any manufacturer or wholesaler of beverages shall have any substantial financial interest, either direct or indirect, in the business of any other on-sale or off-sale permittee or in the premises on which said business is conducted the commissioners shall in their discretion revoke the permit issued in respect of the business in which such manufacturer or wholesaler is so interested. No manufacturer or wholesaler of beverages shall sell, cause to be sold, rent, lend or give to any on-sale or off-sale permittee or to the owner of the premises on which the business of any on-sale or off-sale permittee is to be conducted any

money, equipment, furniture, fixtures or property with which the business of said permittee is to be conducted nor shall such manufacturer or wholesaler install or service such equipment, furniture, fixtures or property except as may be designated by the commission. No person shall directly or indirectly hold more than two off-sale permits at one time and no holder of an off-sale or on-sale permit shall have in his employ, in any capacity, any person who is the holder of any permit provided in this act.

**3. Wholesale Purchases.** Amend section 26 of chapter 99 of the Laws of 1933 as amended by section 1, chapter 173, Laws of 1933 and section 2, chapter 152, Laws of 1935 (section 75, chapter 167, commissioners' report) by striking out said section and inserting in place thereof the following:

**26. Certificates of Approval.** The holder of a wholesale permit shall purchase beverages for resale only from other permittees within the state or from a manufacturer without the state for the purpose of transporting or causing the same to be transported into the state for resale which said manufacturer has obtained from the commission a certificate of approval and has agreed to furnish to the commission, on or before the tenth day of each month, a report under oath, on a form prescribed showing the quantity of beverages sold or delivered to each wholesale permittee during the preceding calendar month. A certificate may be revoked for failure to submit such a report. The commission may, in its discretion, suspend or revoke the certificate of approval of such manufacturer if such manufacturer discontinues to sell beverages to holders of wholesale permits because such holders sell beverages manufactured by another manufacturer. The commission may require each holder of a certificate of approval to furnish a bond in such form and such amount as the commission may prescribe to guarantee the payment to permittees in this state for the return of cooperage held by such permittees. The commission is hereby authorized to make rules and regulations for the collection and forwarding of such cooperage.

**4. Takes Effect.** This act shall take effect upon its passage.

[Approved June 13, 1941.]



## CHAPTER 220.

AN ACT RELATING TO THE HIGHWAY DEPARTMENT SIX YEAR  
BUDGET AND STATE AID FOR CLASS V HIGHWAYS.

*Be it enacted by the Senate and House of Representatives in  
General Court convened:*

**1. Appropriation.** Amend section 1, chapter 137, Laws of 1939 by striking out the words "five million dollars" and inserting in place thereof three and one-half million dollars so that said section shall read: **1. Appropriation.** In addition to the sums of money heretofore appropriated or provided for highways as defined by chapter 84 of the Public Laws, and all laws amendatory thereof or supplementary thereto, a sum not to exceed three and one-half million dollars is hereby appropriated as hereinafter provided for the following purposes: (a) the construction, repair and reconstruction throughout the state of highways as defined by chapter 84 of the Public Laws and all laws amendatory thereof or supplementary thereto, (b) the construction, repair, relocation and reconstruction of highways, bridges and culverts throughout the state damaged or destroyed during the flood and hurricane of September, 1938, (c) the clearing and dredging of the channels and beds of rivers, brooks and streams and the control of water therein which is or may be a menace to the safety of said highways, bridges and culverts, (d) to comply with the obligations and conditions necessary to obtain aid from the United States of America or any department or agency thereof.

**2. Expenditure.** Amend section 2, chapter 137, Laws of 1939 by striking out the entire section and inserting in place thereof the following section: **2. Expenditure.** In constructing, repairing and reconstructing such highways, bridges, and culverts, the state highway commissioner, with the approval of the governor and council, may expend such portion of the said sum of three and one-half million dollars as is reasonably necessary to meet all requirements of service to the public. The expenditure of the appropriation provided for in section 1, and the expenditure of any money otherwise appropriated, allotted, granted or provided for highways and highway purposes shall be in accordance with and shall not

exceed in total amount that shown on a plan entitled "New Hampshire Highway Department Six Year Planning Budget," revised March 2, 1941 filed in the office of the secretary of state and incorporated herein by reference.

**3. Amendment.** Amend section 7, chapter 137, Laws of 1939 by striking out said section and inserting in place thereof the following: **7. Bonds Authorized.** The state treasurer is hereby authorized, under the direction of the governor and council, to borrow upon the credit of the state, for the purpose of carrying into effect the provisions of this act, not more than three and one-half million dollars during the years ending January 31, 1940 and 1941, and for that purpose may issue bonds and notes as may, in their opinion, be to the best advantage of the state of New Hampshire, in the name of and on behalf of the state of New Hampshire at a rate of interest to be determined by the governor and council at the time of approval of the issue. The maturity dates of such bonds and notes shall be not later than December 31, 1954. Such bonds and notes shall be in such form and such denominations and with such provisions for call or redemption as the governor and council may determine, may be registerable as to both principal and interest, and shall be countersigned by the governor and shall be deemed a pledge of the faith and credit of the state.

**4. Class V Highways.** Amend section 6 of chapter 87, Public Laws, as amended by chapter 81, Laws of 1927, chapter 105, Laws of 1929, chapter 8, Laws of 1931, and section 3, chapter 16, Laws of 1935 (section 6, chapter 103, commissioners' report) by striking out the words "seventy cents" and inserting in place thereof, fifty cents, so that the section as amended shall read as follows: **6. State Aid.** In the month of July of each year, the highway commisioner shall allot to each town, from the funds accruing to the highway department, a sum sufficient, when added to the amount which might be derived by a tax of fifty cents on each one hundred dollars of assessed valuation of the preceding year, to equal ninety dollars for each mile of Class V highway in such town; provided, however, that no allotment shall be made to any town in which a tax of fifty cents on each one hundred dollars of assessed valuation of the preceding year would produce an

amount in excess of ninety dollars for each mile of Class V highway in such town.

**5. Takes Effect.** This act shall take effect upon its passage.

[Approved June 13, 1941.]

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## CHAPTER 221.

### AN ACT RELATIVE TO MINES AND MINERALS.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1. State Forests and Reservations.** Amend chapter 192 of the Public Laws by inserting after section 10 (section 18, chapter 226, commissioners' report) the following new section: **10-a. Prospecting and Mining.** On terms approved by the commission, the state forester may issue a license of mining prospector, upon application, to any citizen of the United States upon payment of a fee of five dollars, for the calendar year, which license shall entitle said person to prospect for valuable mineral and metal deposits, excepting common sand and gravel, on all unimproved state forest lands and reservations and in the beds of great ponds and navigable waters; provided, however, that no such license shall entitle any person to prospect on improved areas devoted to recreational uses or other public uses inconsistent with prospecting, on areas of scenic or historical importance, and on areas which have been acquired under particular terms and conditions inconsistent with prospecting. The state forester may by regulation with the approval of the commission define more particularly, but not inconsistently with this section, the areas closed to prospecting. Every licensee hereunder shall be liable to the state for all unreasonable damage to state lands caused by such prospecting and may be required to post a surety bond in a reasonable sum with personal or other sureties with the state forester as a guarantee therefor. Any licensee who discovers a valuable mineral or metal deposit, upon filing a claim therefor with the state forester upon forms which shall be issued and furnished by him, shall have a mining claim for all or any part of such deposit as may be

determined by the commission with the approval of the governor and council, and may exploit such claim subject to the reasonable regulation of the commission and subject to the payment to the state of a reasonable royalty to be determined by the commission. The right to such mining claim shall continue so long as the licensee expends on such claim annually at least one hundred dollars in exploring, prospecting, testing, assaying, preparing for mining and mining such claim. The state forester with the approval of the commission is authorized to make such reasonable rules and regulations as he deems necessary to carry out the provisions of this section. Any person prospecting on closed areas as defined herein and any person violating any provisions of this section, or any rule or regulation issued hereunder, shall be fined not more than fifty dollars, and his license may be suspended or revoked in the discretion of the commission.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved June 13, 1941.]

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## CHAPTER 222.

AN ACT AUTHORIZING THE CREATION OF HOUSING AUTHORITIES  
IN CITIES, DEFINING THEIR POWERS AND DUTIES, AND  
AUTHORIZING THEM TO AID AND COOPERATE IN THE  
UNDERTAKING OF SLUM-CLEARANCE AND HOUSING  
PROJECTS FOR FAMILIES OF LOW INCOME.

*Be it enacted by the Senate and House of Representatives in  
General Court convened:*

**1. Short Title.** This act may be referred to as the "Housing Authorities Law."

**2. Finding and Declaration of Necessity.** It is hereby declared: (a) that there exist in the state insanitary or unsafe dwelling accommodations and that persons of low income are forced to reside in such insanitary or unsafe accommodations; that within the state there is a shortage of safe or sanitary dwelling accommodations available at rents which persons of low income can afford and that such persons are forced to occupy overcrowded and congested dwelling accom-

modations; that the aforesaid conditions cause an increase in and spread of disease and crime and constitute a menace to the health, safety, morals and welfare of the residents of the state and impair economic values; that these conditions necessitate excessive and disproportionate expenditures of public funds for crime prevention and punishment, public health and safety, fire and accident protection, and other public services and facilities; (b) that these areas in the state cannot be cleared, nor can the shortage of safe and sanitary dwellings for persons of low income be relieved, through the operation of private enterprise, and that the construction of housing projects for persons of low income (as herein defined) would therefore not be competitive with private enterprise; (c) that the clearance, replanning and reconstruction of the areas in which insanitary or unsafe housing conditions exist and the providing of safe and sanitary dwelling accommodations for persons of low income are public uses and purposes for which public money may be spent and private property acquired and are governmental functions of state concern; (d) that it is in the public interest that work on projects for such purposes be commenced as soon as possible in order to relieve unemployment which now constitutes an emergency; and the necessity in the public interest for the provisions hereinafter enacted, is hereby declared as a matter of legislative determination.

**3. Definitions.** The following terms, wherever used or referred to in this act, shall have the following respective meanings, unless a different meaning clearly appears from the context:

I. "Authority" or "housing authority" shall mean any of the public corporations created by section 4 of this act.

II. "Municipality" shall mean any city in this state. The "municipality" shall mean the particular municipality for which a particular housing authority is created.

III. "Governing body" shall mean that governing body which is designated as such by the charter of the particular city.

IV. "Mayor" shall mean the mayor of the city or the officer thereof charged with the duties customarily imposed on the mayor or executive head of the city.

V. "Clerk" shall mean the clerk of the city or the officer charged with the duties customarily imposed on such clerk.

VI. "Area of operation" shall include the municipality in which a housing authority is created and the area within six miles of the territorial boundaries thereof, but the area of operation of a housing authority shall not include any area which lies within the territorial boundaries of any other municipality (as herein defined).

VII. "Federal government" shall include the United States of America, the United States housing authority, or any other agency or instrumentality, corporate or otherwise, of the United States of America.

VIII. "Slum" shall mean any area where dwellings predominate which, by reason of dilapidation, overcrowding, lack of ventilation, light or sanitary facilities, or any combination of these factors, are detrimental to safety, health or morals.

IX. "Housing project" shall mean any work or undertaking: (1) to demolish, clear or remove buildings from any slum area; such work or undertaking may embrace the adoption of such area to public purposes, including parks or other recreational or community purposes; or (2) to provide decent, safe and sanitary urban or rural dwellings, apartments or other living accommodations for persons of low income; such work or undertaking may include buildings, land, equipment, facilities and other real or personal property for necessary, convenient or desirable appurtenances, streets, sewers, water service, parks, site preparation, gardening, administrative, community, health, recreational, welfare or other purposes; or (3) to accomplish a combination of the foregoing. The term "housing project" also may be applied to the planning of the buildings and improvements, the acquisition of property, the demolition of existing structures, the construction, reconstruction, alteration and repair of the improvements and all other work in connection therewith.

X. "Persons of low income" shall mean persons or families who lack the amount of income which is necessary (as determined by the authority undertaking the housing project) to enable them, without financial assistance, to live in decent, safe sanitary dwellings, without overcrowding.

XI. "Bonds" shall mean any bonds, notes, interim certificates, debentures, or other obligations issued by an authority pursuant to this act.

XII. "Real property" shall include all lands, including improvements and fixtures thereon, and property of any nature appurtenant thereto, or used in connection therewith, and every estate, interest and right, legal or equitable, therein, including terms for years and liens by way of judgment, mortgage or otherwise and the indebtedness secured by such liens.

XIII. "Obligee of the authority" or "obligee" shall include any bondholder, trustee or trustees for any bondholders, or lessor demising to the authority property used in connection with a housing project, or any assignee or assignees of such lessor's interest or any part thereof, and the federal government when it is a party to any contract with the authority.

4. **Creation of Housing Authorities.** In each municipality, as herein defined, of the state there is hereby created a public body corporate and politic to be known as the Housing Authority of the municipality; provided that such authority shall not transact any business or exercise its powers hereunder until or unless a majority of the legal voters of said municipality present and voting as herein provided shall have voted in favor of the creation of such housing authority and the governing body of the municipality by proper resolution shall have declared that there is need for an authority to function in such municipality. At any municipal election the governing body on its own motion shall cause to be inserted on the official ballot for said election the following question: "Shall a housing authority as provided in an act passed at the 1941 session of the legislature relative to housing be created in this city?" If a majority of the legal voters present and voting at such election votes in favor of the creation of such housing authority the governing body may adopt a resolution declaring that there is need for a housing authority in the municipality at any time thereafter if it shall find (a) that insanitary or unsafe inhabited dwelling accommodations exist in such municipality or (b) that there is a shortage of safe or sanitary dwelling accommodations in such municipality available to persons of low income at rentals they can

afford. In determining whether dwelling accommodations are unsafe or insanitary said governing body may take into consideration the degree of overcrowding, the percentage of land coverage, the light, air space and access available to the inhabitants of such dwelling accommodations, the size and arrangement of the rooms, the sanitary facilities, and the extent to which conditions exist in such buildings which endanger life or property by fire or other causes. In any suit, action or proceeding involving the validity or enforcement of or relating to any contract of the authority, the authority shall be conclusively deemed to have become established and authorized to transact business and exercise its powers hereunder upon proof of the approval of the creation of an authority by the voters of said municipality and of the adoption of a resolution by the governing body declaring the need for the authority. Such resolution or resolutions shall be deemed sufficient if it declares that there is such need for an authority and finds in substantially the foregoing terms, no further detail being necessary, that either or both of the above enumerated conditions exist in the municipality. A copy of such resolution and a record of the referendum vote duly certified by the clerk shall be admissible in evidence in any suit, action or proceeding.

**5. Appointment, Qualifications and Tenure of Commissioners.** When the governing body of a municipality adopts a resolution as aforesaid, it shall promptly notify the mayor of such adoption. Upon receiving such notice, the mayor shall appoint five persons as commissioners of the authority created for said city. The commissioners who are first appointed shall be designated to serve for terms of one, two, three, four and five years, respectively, from the date of their appointment, but thereafter commissioners shall be appointed as aforesaid for a term of office of five years except that all vacancies shall be filled for the unexpired term. No commissioner of an authority may be an officer or employee of the municipality for which the authority is created. A commissioner shall hold office until his successor has been appointed and has qualified. A certificate of the appointment or reappointment of any commissioner shall be filed with the clerk and such certificate shall be conclusive evidence of the



due and proper appointment of such commissioner. A commissioner shall receive no compensation for his services, but he shall be entitled to the necessary expenses, including traveling expenses, incurred in the discharge of his duties.

The powers of each authority shall be vested in the commissioners thereof in office from time to time. Three commissioners shall constitute a quorum of the authority for the purpose of conducting its business and exercising its powers and for all other purposes. Action may be taken by the authority upon a vote of a majority of the commissioners present, unless in any case the by-laws of the authority shall require a larger number. The mayor shall designate which of the commissioners appointed shall be the first chairman and he shall serve in the capacity of chairman until the expiration of his term of office as commissioner. When the office of the chairman of the authority thereafter becomes vacant, the authority shall select a chairman from among its commissioners. An authority shall select from among its commissioners a vice-chairman, and it may employ a secretary (who shall be executive director), technical experts and such other officers, agents and employees, permanent and temporary, as it may require, and shall determine their qualifications, duties and compensation. For such legal services as it may require, an authority may call upon the chief law officer of the municipality or may employ its own counsel and legal staff. An authority may delegate to one or more of its agents or employees such powers or duties as it may deem proper.

**6. Interested Commissioners or Employees.** No commissioner or employee of an authority shall acquire any interest direct or indirect in any housing project or in any property included or planned to be included in any project, nor shall he have any interest direct or indirect in any contract or proposed contract for materials or services to be furnished or used in connection with any housing project. If any commissioner or employee of an authority owns or controls an interest direct or indirect in any property included or planned to be included in any housing project, he immediately shall disclose the same in writing to the authority and such disclosure shall be entered upon the minutes of the authority. Failure so to disclose such interest shall constitute misconduct in office. Upon such disclosure such commissioner or employee

shall not participate in any action by the authority affecting such property.

**7. Removal of Commissioners.** For inefficiency or neglect of duty or misconduct in office, a commissioner of an authority may be removed by the mayor, but a commissioner shall be removed only after he shall have been given a copy of the charges at least ten days prior to the hearing thereon and had an opportunity to be heard in person or by counsel. In the event of the removal of any commissioner, a record of the proceedings, together with the charges and findings thereon, shall be filed in the office of the clerk.

**8. Powers of Authority.** An authority shall constitute a public body corporate and politic, exercising public and essential governmental functions, and having all the powers necessary or convenient to carry out and effectuate the purposes and provisions of this act, including the following powers in addition to others herein granted:

I. To sue and to be sued; to have a seal and to alter the same at pleasure; to have perpetual succession; to make and execute contracts and other instruments necessary or convenient to the exercise of the powers of the authority; and to make and from time to time amend and repeal by-laws, rules and regulations, not inconsistent with this act, to carry into effect the powers and purposes of the authority.

II. Within its area of operation: to prepare, carry out, acquire, lease and operate housing projects; to provide for the construction, reconstruction, improvement, alteration or repair of any housing project or any part thereof.

III. To arrange or contract for the furnishing by any person or agency, public or private, of services, privileges, works, or facilities for, or in connection with, a housing project or the occupants thereof; and (notwithstanding anything to the contrary contained in this act or in any other provision of law) to include in any contract let in connection with a project, stipulations requiring that the contractor and any subcontractors comply with requirements as to minimum wages and maximum hours of labor, and comply with any conditions which the federal government may have attached to its financial aid of the project.

IV. To lease or rent any dwellings, houses, accommodations, lands, buildings, structures or facilities embraced

in any housing project and (subject to the limitations contained in this act) to establish and revise the rents or charges therefor; to own, hold, and improve real or personal property; to purchase, lease, obtain options upon, acquire by gift, grant, bequest, devise, or otherwise any real or personal property or any interest therein; to acquire by the exercise of the power of eminent domain any real property; to sell, lease, exchange, transfer, assign, pledge or dispose of any real or personal property or any interest therein; to insure or provide for the insurance of any real or personal property or operations of the authority against any risks or hazards; to procure or agree to the procurement of insurance or guarantees from the federal government of the payment of any bonds or parts thereof issued by an authority, including the power to pay premiums on any such insurance.

V. To invest any funds held in reserves or sinking funds, or any funds not required for immediate disbursement, in property or securities in which savings banks may legally invest funds subject to their control; to purchase its bonds at a price not more than the principal amount thereof and accrued interest, all bonds so purchased to be cancelled.

VI. Within its area of operation; to investigate into living, dwelling and housing conditions and into the means and methods of improving such conditions; to determine where slum areas exist or where there is a shortage of decent, safe and sanitary dwelling accommodations for persons of low income; to make studies and recommendations relating to the problem of clearing, replanning and reconstructing of slum areas, and the problem of providing dwelling accommodations for persons of low income, and to cooperate with the municipality, the state or any political subdivision thereof in action taken in connection with such problems; and to engage in research, studies and experimentation on the subject of housing.

VII. Acting through one or more commissioners or other person or persons designated by the authority; to conduct examinations and investigations and to hear testimony and take proof under oath at public or private hearings on any matter or material for its information; to administer oaths, issue subpoenas requiring the attendance of witnesses or the production of books and papers and to issue commissions for

the examination of witnesses who are outside of the state or unable to attend before the authority, or excused from attendance; to make available to appropriate agencies (including those charged with the duty of abating or requiring the correction of nuisances or like conditions, or of demolishing unsafe or insanitary structures within its area of operation) its findings and recommendations with regard to any building or property where conditions exist which are dangerous to the public health, morals, safety or welfare.

VIII. To exercise all or any part or combination of powers herein granted.

No provisions of law with respect to the acquisition, operation or disposition of property by other public bodies shall be applicable to an authority unless the legislature shall specifically so state.

**9. Operation Not For Profit.** It is hereby declared to be the policy of this state that each housing authority shall manage and operate its housing projects in an efficient manner so as to enable it to fix the rentals for dwelling accommodations at the lowest possible rates consistent with its providing decent, safe and sanitary dwelling accommodations, and that no housing authority shall construct or operate any such project for profit, or as a source of revenue to the municipality. To this end an authority shall fix the rentals for dwellings in its projects at no higher rates than it shall find to be necessary in order to produce revenues which (together with all other available moneys, revenues, income and receipts of the authority from whatever sources derived) will be sufficient (a) to pay, as the same become due, the principal and interest on the bonds of the authority; (b) to meet the cost of, and to provide for, maintaining and operating the projects (including the cost of any insurance) and the administrative expenses of the authority; and (c) to create (during not less than the six years immediately succeeding its issuance of any bonds) a reserve sufficient to meet the largest principal and interest payments which will be due on such bonds in any one year thereafter and to maintain such reserve.

**10. Rentals and Tenant Selection.** In the operation or management of housing projects an authority shall at all

times observe the following duties with respect to rentals and tenant selection: (a) It may rent or lease the dwelling accommodations therein only to persons of low income and at rentals within the financial reach of such persons of low income; (b) it may rent or lease to a tenant dwelling accommodations consisting of the number of rooms (but no greater number) which it deems necessary to provide safe and sanitary accommodations to the proposed occupants thereof, without overcrowding; and (c) it shall not accept any person as a tenant in any housing project if the person or persons who would occupy the dwelling accommodations have an annual net income in excess of five times the annual rental of the quarters to be furnished such person or persons, except that in the case of families with three or more minor dependents, such ratio shall not exceed six to one; in computing the rental for this purpose of selecting tenants, there shall be included in the rental the average annual cost (as determined by the authority) to occupants of heat, water, electricity, gas, cooking range and other necessary services or facilities, whether or not the charge for such services and facilities is in fact included in the rental.

Nothing contained in this or the preceding section shall be construed as limiting the power of an authority to vest in an obligee the right, in the event of a default by the authority, to take possession of a housing project or cause the appointment of a receiver thereof, free from all the restrictions imposed by this or the preceding section.

**11. Cooperation Between Authorities.** Any two or more authorities may join or cooperate with one another in the exercise of any or all of the powers conferred hereby for the purpose of financing, planning, undertaking, constructing or operating a housing project or projects located within the area of operation of any one or more of said authorities.

**12. Eminent Domain.** An authority shall have the right to acquire by the exercise of the power of eminent domain any real property which it may deem necessary for its purposes under this act after the adoption by it of a resolution declaring that the acquisition of the real property described therein is necessary for such purposes. An authority may exercise the power of eminent domain in the manner provided

in chapter 75, Public Laws of New Hampshire, 1926, and acts amendatory thereof or supplementary thereto; or it may exercise the power of eminent domain in the manner provided by any other applicable statutory provisions for the exercise of the power of eminent domain. Property already devoted to a public use may be acquired in like manner, provided that no real property belonging to the municipality, the state or any political subdivision thereof may be acquired without its consent.

Where it appears to the satisfaction of the court at any stage of the proceedings, upon the petition of the authority, that the public interest will be prejudiced by delay, the court may, after such notice to the parties in interest as it may prescribe, which notice, however, shall not be less than eight days and may be by posting upon the property or by publication in such paper or papers at such time as the court may require, order that the authority be permitted to enter immediately upon the real property described in the petition, or any part thereof, and to demolish any structures located thereon, and to proceed with the construction of the project thereon, upon depositing with the court a sum of money or in lieu thereof, bonds or obligations of the United States of equivalent or greater value, not less than the last assessed valuation of the property, which the court shall find to be sufficient for the protection of the persons who may be entitled to the award. Such deposit or the proceeds thereof shall be applied so far as it may be necessary for that purpose, to the payment of any award that may be made, with interest thereon, costs and expenses, and the residue, if any, shall be returned to the authority; in the event of a deficiency in the sum deposited, the authority shall pay the balance to make up the award in accordance with the judgment.

**13. Planning, Zoning and Building Laws.** All housing projects of an authority shall be subject to the planning, zoning, sanitary and building laws, ordinances and regulations applicable to the locality in which the housing project is situated. In the planning and location of any housing project, an authority shall take into consideration the relationship of the project to any larger plan or long-range program for the

development of the area in which the housing authority functions.

**14. Bonds.** An authority shall have power to issue bonds from time to time in its discretion, for any of its corporate purposes. An authority shall also have power to issue refunding bonds for the purpose of paying or retiring bonds previously issued by it. An authority may issue such types of bonds as it may determine, including (without limiting the generality of the foregoing) bonds on which the principal and interest are payable: (a) exclusively from the income and revenues of the housing project financed with the proceeds of such bonds; (b) exclusively from the income and revenues of certain designated housing projects whether or not they are financed in whole or in part with the proceeds of such bonds; or (c) from its revenues generally. Any such bonds may be additionally secured by a pledge of any grant or contributions from the federal government or other source, or a pledge of any income or revenues of the authority, or a mortgage of any housing project, projects or other property of the authority.

Neither the commissioners of an authority nor any person executing the bonds shall be liable personally on the bonds by reason of the issuance thereof. The bonds and other obligations of an authority (and such bonds and obligations shall so state on their face) shall not be a debt of the municipality, the state or any political subdivision thereof and neither the municipality, the state or any political subdivision thereof shall be liable thereon, nor in any event shall such bonds or obligations be payable out of any funds or properties other than those of said authority. The bonds shall not constitute an indebtedness within the meaning of any debt limitation or restriction. Bonds of an authority are declared to be issued for an essential public and governmental purpose and to be public instrumentalities and, together with interest thereon and income therefrom, shall be exempt from taxes.

**15. Form and Sale of Bonds.** Bonds of an authority shall be authorized by its resolution and may be issued in one or more series and shall bear such date or dates, mature at such time or times, bear interest at such rate or rates, not exceeding six per cent per annum, be in such denomination or denominations, be in such form, either coupon or registered,

carry such conversion or registration privileges, have such a rank or priority, be executed in such manner, be payable in such medium of payment, at such place or places, and be subject to such terms of redemption (with or without premium) as such resolution, its trust indenture or mortgage may provide.

The bonds may be sold at public or private sale at not less than par.

In case any of the commissioners or officers of the authority whose signatures appear on any bonds or coupons shall cease to be such commissioners or officers before the delivery of such bonds, such signatures shall, nevertheless, be valid and sufficient for all purposes, the same as if such commissioners or officers had remained in office until such delivery. Any provision of any law to the contrary notwithstanding, any bonds issued pursuant to this act shall be fully negotiable.

In any suit, action or proceedings involving the validity or enforceability of any bond of an authority or the security therefor, any such bond reciting in substance that it has been issued by the authority to aid in financing a housing project to provide dwelling accommodations for persons of low income shall be conclusively deemed to have been issued for a housing project of such character and said project shall be conclusively deemed to have been planned, located and constructed in accordance with the purposes and provisions of this act.

**16. Provisions of Bonds, Trust Indentures, and Mortgages.** In connection with the issuance of bonds or the incurring of obligations under leases and in order to secure the payment of such bonds or obligations, an authority, in addition to its other powers, shall have power:

I. To pledge all or any part of its gross or net rents, fees or revenues to which its right then exists or may thereafter come into existence.

II. To mortgage all or any part of its real or personal property, then owned or thereafter acquired.

III. To covenant against pledging all or any part of its rents, fees and revenues, or against mortgaging all or any part of its real or personal property, to which its right or title then exists or may thereafter come into existence or against permitting or suffering any lien on such revenues or property;



to covenant with respect to limitations on its right to sell, lease or otherwise dispose of any housing project or any part thereof; and to covenant as to what other, or additional debts or obligations may be incurred by it.

IV. To covenant as to the bonds to be issued and as to the issuance of such bonds in escrow or otherwise, and as to the use and disposition of the proceeds thereof; to provide for the replacement of lost, destroyed or mutilated bonds; to covenant against extending the time for the payment of its bonds or interest thereon; and to redeem the bonds, and to covenant for their redemption and to provide the terms and conditions thereof.

V. To covenant (subject to the limitations contained in this act) as to the rents and fees to be charged in the operation of a housing project or projects, the amount to be raised each year or other period of time by rents, fees and other revenues, and as to the use and disposition to be made thereof; to create or to authorize the creation of special funds for moneys held for construction or operating costs, debt service, reserves, or other purposes, and to covenant as to the use and disposition of the moneys held in such funds.

VI. To prescribe the procedure, if any, by which the terms of any contract with bondholders may be amended or abrogated, the amount of bonds the holders of which must consent thereto and the manner in which such consent may be given.

VII. To covenant as to the use of any or all of its real or personal property; and to covenant as to the maintenance of its real and personal property; the replacement thereof, the insurance to be carried thereon and the use and disposition of insurance moneys.

VIII. To covenant as to the rights, liabilities, powers and duties arising upon the breach by it of any covenant, condition, or obligation; and to covenant and prescribe as to events of default and terms and conditions upon which any or all of its bonds or obligations shall become or may be declared due before maturity, and as to the terms and conditions upon which such declaration and its consequences may be waived.

IX. To vest in a trustee or trustees or the holders of

bonds or any proportion of them the right to enforce the payment of the bonds or any covenants securing or relating to the bonds; to vest in a trustee or trustees the right, in the event of a default by said authority, to take possession and use, operate and manage any housing project or part thereof, and to collect the rents and revenues arising therefrom and to dispose of such moneys in accordance with the agreement of the authority with said trustee; to provide for the powers and duties of a trustee or trustees and to limit the liabilities thereof; and to provide the terms and conditions upon which the trustee or trustees or the holders of bonds or any proportion of them may enforce any covenant or rights securing or relating to the bonds.

X. To exercise all or any part or combination of the powers herein granted; to make covenants other than and in addition to the covenants herein expressly authorized, of like or different character; to make such covenants and to do any and all such acts and things as may be necessary or convenient or desirable in order to secure its bonds, or, in the absolute discretion of said authority, as will tend to make the bonds more marketable notwithstanding that such covenants, acts or things may not be enumerated herein.

**17. Remedies of an Obligee of Authority.** An obligee of an authority shall have the right in addition to all other rights which may be conferred on such obligee, subject only to any contractual restrictions binding upon such obligee:

I. By mandamus, suit, action or proceeding at law or in equity to compel said authority and the commissioners, officers, agents or employees thereof to perform each and every term, provision and covenant contained in any contract of said authority with or for the benefit of such obligee, and to require the carrying out of any or all such covenants and agreements of said authority and the fulfillment of all duties imposed upon said authority by this act.

II. By suit, action or proceeding, in equity, to enjoin any acts or things which may be unlawful, or the violation of any of the rights of such obligee of said authority.

**18. Additional Remedies Conferable by Authority.** An authority shall have power by its resolution, trust indenture, mortgage, lease or other contract to confer upon any obligee

holding or representing a specified amount in bonds, or holding a lease, the right (in addition to all rights that may otherwise be conferred), upon the happening of an event of default as defined in such resolution or instrument, by suit, action or proceeding in any court of competent jurisdiction:

I. To cause possession of any housing project or any part thereof to be surrendered to any such obligee.

II. To obtain the appointment of a receiver of any housing project of said authority or any part thereof and of the rents and profits therefrom. If such receiver be appointed, he may enter and take possession of such housing project or any part thereof and operate and maintain same, and collect and receive all fees, rents, revenues, or other charges thereafter arising therefrom, and shall keep such moneys in a separate account or accounts and apply the same in accordance with the obligations of said authority as the court shall direct.

III. To require said authority and the commissioners thereof to account as if it and they were the trustees of an express trust.

**19. Exemption of Property from Execution Sale.** All real property of an authority shall be exempt from levy and sale by virtue of an execution, and no execution or other judicial process shall issue against the same nor shall any judgment against an authority be a charge or lien upon its real property; provided, however, that the provision of this section shall not apply to or limit the right of obligees to foreclose or otherwise enforce any mortgage of an authority or the right of obligees to pursue any remedies for the enforcement of any pledge or lien given by an authority on its rents, fees or revenues.

**20. Aid from Federal Government.** In addition to the powers conferred upon an authority by other provisions of this act, an authority is empowered to borrow money or accept contributions, grants or other financial assistance from the federal government for or in aid of any housing project within its area of operation, to take over or lease or manage any housing project or undertaking constructed or owned by the federal government, and to these ends, to comply with such conditions and enter into such mortgages, trust indentures,

leases or agreements as may be necessary, convenient or desirable. It is the purpose and intent of this act to authorize every authority to do any and all things necessary or desirable to secure the financial aid or cooperation of the federal government in the undertaking, construction, maintenance or operation of any housing project by such authority.

**21. Tax Exemption and Payments in Lieu of Taxes.** The property of an authority is declared to be public property used for essential public and governmental purposes and such property and an authority shall be exempt from all taxes and special assessments of the state or any political subdivision thereof; provided, however, that in lieu of such taxes an authority may agree to make payments to the political subdivision for improvements, services and facilities furnished by such subdivision for the benefit of a housing project, but in no event shall such payments exceed the amount last levied as the annual tax of such subdivision upon the property included in said project prior to the time of its acquisition by the authority.

**22. Cooperation in Undertaking Housing Projects.** For the purpose of aiding and cooperating in the planning, undertaking, construction or operation of housing projects located within the area in which it is authorized to act, any municipality may upon such terms, with or without consideration, as it may determine:

I. Dedicate, sell, convey or lease any of its interest in any property, or grant easements, licenses or any other rights or privileges therein to a housing authority or the federal government;

II. Cause parks, playgrounds, recreational, community, educational, water, sewer or drainage facilities, or any other works which it is otherwise empowered to undertake, to be furnished adjacent to or in connection with housing projects;

III. Furnish, dedicate, close, pave, install, grade, regrade, plan or replan streets, roads, roadways, alleys, sidewalks or other places which it is otherwise empowered to undertake;

IV. Plan or replan, zone or rezone any part of such municipality; make exceptions from its building regulations and ordinances; and may change its map;

V. Cause services to be furnished to the housing author-

ity of the character which such municipality is otherwise empowered to furnish;

VI. Enter into agreements with respect to the exercise by such municipality of its powers relating to the repair, elimination or closing of unsafe, insanitary or unfit dwellings;

VII. Employ (notwithstanding the provisions of any other law) any funds belonging to or within the control of such municipality, including funds derived from the sale or furnishing of property or facilities to a housing authority, in the purchase of the bonds of a housing authority; and exercise all the rights of any holder of such bonds;

VIII. Do any and all things, necessary or convenient to aid and cooperate in the planning, undertaking, construction or operation of such housing projects;

IX. Incur the entire expense of any public improvements made by such municipality in exercising the powers granted in this act; and

X. Enter into agreements (which may extend over any period, notwithstanding any provision or rule of law to the contrary), with a housing authority respecting action to be taken by such municipality pursuant to any of the powers granted by this act. Any law or statute to the contrary notwithstanding, any sale, conveyance, lease or agreement provided for in this section may be made by a municipality without appraisal, public notice, advertisement or public bidding.

XI. With respect to any housing project which a housing authority has acquired or taken over from the federal government and which the housing authority by resolution has found and declared to have been constructed in a manner that will promote the public interest and afford necessary safety, sanitation and other protection, no municipality shall require any changes to be made in the housing project or the manner of its construction or take any other action relating to such construction.

**23. Agreements as to Payments by Housing Authority.** In connection with any housing project located wholly or partly within the area in which it is authorized to act, any city or taxing power thereof may agree with a housing authority or the federal government that a certain sum (in no event to exceed the amount last levied as the annual tax of such body

upon the property included in said project prior to the time of its acquisition by the housing authority) or that no sum, shall be paid by the authority in lieu of taxes for any year or period of years.

**24. Advances to Housing Authority.** Any municipality in which a housing authority has been created shall have the power from time to time to lend or donate money to such authority or to agree to take such action. Such housing authority, when it has money available therefor, shall make reimbursements for all such loans made to it.

**25. Procedure for Exercising Powers.** The exercise by a municipality of the powers herein granted may be authorized by resolution of the governing body of such municipality adopted by a majority of the members of its governing body present at a meeting of said governing body, which resolution may be adopted at the meeting at which such resolution is introduced. Such a resolution or resolutions shall take effect immediately and need not be laid over or published or posted.

**26. Reports.** At least once a year an authority shall file with the clerk a report of its activities for the preceding year, and shall make recommendations with reference to such additional legislation or other action as it deems necessary to carry out the purposes of this act.

**27. Severability.** Notwithstanding any other evidence of legislative intent, it is hereby declared to be the controlling legislative intent that if any provision of this act, or the application thereof to any person or circumstances, is held invalid, the remainder of the act and the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.

**28. Act Controlling.** In so far as the provisions of this act are inconsistent with the provisions of any other law, the provisions of this act shall be controlling.

**29. Takes Effect.** This act shall take effect upon its passage.

[Approved June 13, 1941.]

**CHAPTER 223.****AN ACT RELATING TO REIMBURSEMENT OF TOWNS FOR LOSS  
OF TAXES ON PUBLIC FOREST LANDS.**

*Be it enacted by the Senate and House of Representatives in  
General Court convened:*

**1. Loss of Taxes on Public Forest Lands.** Amend chapter 192, Public Laws by inserting after section 21 (section 28, chapter 226, commissioners' report) the following new sections: **21-a. Reimbursement; Application.** In any year in which no state tax is levied, any town in which national or state forest reserve lands are situated, whether acquired by gift, purchase or in any other manner, may apply, by its selectmen, to the tax commission, annually, before September first, for reimbursement of an amount not exceeding one-half the taxes for all purposes which such town might have received from taxes on said lands in such year had said lands been taxable. **21-b. Procedure.** Application for such reimbursement shall be made upon blanks provided by the tax commission which shall call for such information as they deem necessary. The tax commission, on the facts set forth in such return shall fix an amount for reimbursement as equity may require, subject to the limitations herein provided. After the tax commission has made known its decision on such petition a town dissatisfied with the amount may request by its selectmen a hearing within thirty days from the date of such decision and the commission shall hold a hearing thereon, after giving due notice to the selectmen. **21-c. Payment.** If reimbursement is allowed the commission shall certify the fact and the amount to the governor who shall draw his warrant on the state treasury out of any money not otherwise appropriated authorizing payment of the sum so specified to such town on or before December first of each year.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved June 13, 1941.]

**CHAPTER 224.****AN ACT RELATING TO MOTOR VEHICLES CARRYING PASSENGERS  
FOR HIRE.**

*Be it enacted by the Senate and House of Representatives in  
General Court convened:*

**NEW HAMPSHIRE MOTOR CARRIER ACT****Passengers**

**1. Declaration of Policy.** It is hereby declared to be the policy of the legislature to provide for proper regulation of the transportation of passengers by motor vehicle upon the highways of this state, subject to the provisions of this act so administered as to recognize and preserve the inherent advantages of such transportation, to promote safe, adequate, economical and efficient service by passenger motor carriers, and reasonable charges therefor, without unjust discrimination, undue preferences or advantages or unfair or destructive competitive practices; improve the relations between, and coordinate transportation by and the regulation of passenger motor carriers and other carriers; develop and preserve a highway passenger transportation system properly adapted to the needs of the state and to promote safety upon its highways in the interest of its citizens. The provisions of this act shall be administered and enforced with a view to carrying out the above declaration of policy.

**2. Definition of Terms.** The following words and phrases as used in this act shall have the following meanings, unless the context clearly requires otherwise:

I. The term "commission" means the public service commission.

II. The term "person" means any individual, firm, co-partnership, corporation, company, association or joint-stock association, railroad corporation, including any trustee, administrator, executor, receiver, assignee or other personal representative thereof.

III. The term "motor carrier" includes both a common carrier and a contract carrier of passengers by motor vehicle.

IV. The term "common carrier of passengers" means any person who holds himself out to the public as willing to



undertake to transport by motor vehicle, either upon fixed route or on call operations, passengers or passengers and their baggage between points in this state for compensation for all who may choose to employ him.

V. The term "regular route common carrier" means any common carrier of passengers by motor vehicle who operates over regular routes between points within this state.

VI. The term "irregular route common carrier" means any common carrier of passengers by motor vehicle who operates over irregular routes between points within this state.

VII. The term "contract carrier of passengers" means any person engaged in the transportation of passengers by motor vehicle for compensation for a particular person or persons to or from a particular place under separate agreement or agreements in vehicles having a manufacturer's rated seating capacity of more than seven passengers.

VIII. The term "certificate" means a certificate of public convenience and necessity issued under the provisions of this act to a common carrier of passengers by motor vehicle.

IX. The term "permit" means a permit issued under the provisions of this act to a contract carrier of passengers by motor vehicle.

X. The term "highway" means the roads, highways, streets and ways laid out for and used generally by the public.

**3. Exemptions.** There shall be exempt from the provisions of this act (1) motor vehicles while employed solely in transporting school children and teachers to or from the school for which such arrangements are within the supervision or control of the local or appropriate state school board authorities; or (2) taxicabs, or other motor vehicles performing a *bona fide* taxicab service, having a manufacturer's rated capacity of not more than seven passengers; or (3) motor vehicles owned or operated by hotels which are used exclusively for the transportation of hotel patrons between hotels and local railroad or other common carrier stations; or (4) motor vehicles while engaged exclusively in work for any branch of the government of the United States or for any department of this state, or for any county, city, town or village; or (5) motor vehicles while engaged exclusively in the delivery of the United States mail.

**4. Common Carrier Certificate Required.** No person shall engage in the business of operating a motor vehicle as a common carrier of passengers between points in this state unless he holds a certificate issued by the commission authorizing such operations; provided, however, that, if he or his predecessor in interest, including street railways operating motor vehicles in substitution for or in connection with street car operations, was engaged in *bona fide* operation as a common carrier over regular or irregular routes, by motor vehicle, as provided by the definitions in section 2 (V) and (VI) of this act, on the date of the passage of this act, over the route or routes or within the territory for which application is made and has so operated since that time, or, if engaged in furnishing seasonal service only, was in *bona fide* operation on said date, during the season ordinarily covered by its operation, except in either instance as to interruptions of service over which the applicant or his predecessor in interest had no control, the commission shall issue such certificate without requiring further proof that the public convenience and necessity will be served by such operation, and without further proceedings, if application for such certificate is made to the commission as provided by section 9 on or before April 1, 1942. Otherwise the application for such certificate shall be decided in accordance with the procedure provided for in sections 5 or 8 of this act and such certificate shall be issued or denied accordingly. Pending action on any such application the continuance of such operation shall be lawful.

**5. Issuance of Common Carrier Certificates.** A certificate shall be issued to any qualified applicant therefor, authorizing the whole or any part of the operations covered by the application, if it is found that the applicant is fit, willing and able properly to perform the service proposed and to conform to provisions of this act and the requirements, rules and regulations issued by the commission thereunder, and that the proposed service, to the extent to be authorized by the certificate, is or will be required by the present or future public convenience and necessity; otherwise such application shall be denied; provided, however, that regular route common carriers operating pursuant to Public Laws, chapter 258 on the effective date of this act shall not require further proof of public convenience and necessity for such operations.

**6. Terms and Conditions of Certificates.** Each certificate issued under sections 4 or 5 shall specify the service to be rendered and the routes over which, the fixed termini, if any, between which, and in case of operations not over specified routes or between fixed termini the territory within which, the motor carrier is authorized to operate. The commission may impose upon the exercise of the privileges granted by the certificate, at the time of its issuance or from time to time thereafter, such reasonable terms, conditions and limitations as the public convenience and necessity may require, provided, however, that no terms, conditions, or limitations shall restrict the right of the carrier to add to his or its equipment and facilities over the routes, between the termini or within the territory specified in the certificate, as the development of the business and the demands of the public shall require.

A common carrier by motor vehicle operating under such certificate may deviate from the route over which it is authorized to operate under the certificate, under such general or special rules and regulations as the commission may prescribe or when highway conditions are such that operations over such regular routes are impracticable.

A certificate for the transportation of passengers may include authority to transport in the same vehicle with the passengers, newspapers, baggage of passengers, express, or mail, or to transport baggage of passengers in a separate vehicle.

**7. Contract Carrier Permit Required.** No person shall engage in the business of operating a motor vehicle as a contract carrier of passengers between points in this state unless he holds a permit issued by the commission, authorizing such operations; provided, however, that if he or his predecessor in interest was engaged in *bona fide* operation as a contract carrier by motor vehicle, as provided by the definitions in section 2 (VII) of this act, on the date of the passage of this act, over the routes or within the territory for which application is made and has so operated since that time, or, if engaged in furnishing seasonal service only, was in *bona fide* operation on said date, during the season ordinarily covered by his operations, except in either instance as to interruptions of service over which the applicant or his predecessor in in-

terest had no control, the commission shall issue such permit without further proceedings, if application for such permit is made to the commission as provided in section 8 of this act and on or before April 1, 1942. Otherwise the application for such permit shall be decided in accordance with the procedure provided for in section 8 of this act and such permit shall be issued or denied accordingly. Pending action on any such application, the continuance of such operation shall be lawful. Any person not included within the foregoing provisions of this paragraph who is engaged in transportation as a contract carrier by motor vehicle when this section takes effect, may continue such operation until April 1, 1942 without a permit, and, if application for such permit is made by said date, the carrier may, under such regulations as the commission shall prescribe, continue such operation until otherwise ordered by the commission.

**8. Issuance of Contract Carrier Permits.** A permit shall be issued to any qualified applicant therefor authorizing in whole or in part the operations covered by the application, if it appears from the application or from any hearing held thereon, that the applicant is fit, willing, and able properly to perform the service of a contract carrier by motor vehicle, and to conform to the provisions of this act and the lawful requirements, rules and regulations of the commission thereunder, and that the proposed operation, to the extent authorized by the permit, will be consistent with the public interest and the policy declared in section 1 of this act; otherwise such application shall be denied. The commission shall specify in the permit the business of the contract carrier covered thereby and the scope thereof and shall attach to it, at the time of issuance, and from time to time thereafter, such reasonable terms, conditions, and limitations consistent with the character of the holder as a contract carrier as are necessary to carry out, with respect to the operations of such carrier, the requirements established by the commission under the provisions of this act; provided, however, that no terms, conditions, or limitations shall restrict the right of the carrier to substitute or add contracts within the scope of the permit, or to add to his or its equipment and facilities, within the scope of the permit, as the development of the business and the demands of the public may require.

**9. Applications for Certificates and Permits.** Application for certificates and permits required in sections 4 and 7 shall be made in writing to the commission, verified under oath, accompanied by the proper fee, shall be in such form and shall contain such information, as the commission shall, by regulation, require. Any person, not included within the provisions of sections 4 or 7, who is engaged in transportation of passengers between points in this state as a common or contract carrier by motor vehicle when this act takes effect may continue such operation until April 1, 1942 without a certificate or permit and, if application for such certificate or permit is made to the commission by said date, the carrier, may, under such regulations as the commission may prescribe, continue such operation until otherwise ordered by the commission.

**10. Suspension, Change and Revocation of Certificates and Permits.** Certificates and permits issued under the provisions of this act authorizing operations as a motor carrier shall be effective from the date specified therein and shall remain in effect until suspended, revoked or terminated as herein provided. The commission may, after notice and hearing, upon application or upon its own initiative amend, suspend, or revoke any such certificate or permit, in whole or in part, for wilful failure to comply with any provision of this act or with any lawful order, rule or regulation of the commission promulgated thereunder or with any term, condition or limitation of such certificate or permit.

**11. Discontinuance of Operations.** Except as provided in section 10, the holder of a certificate authorizing regular route operations shall not discontinue operations carried on thereunder without the consent of the commission.

**12. Transfer of Certificates and Permits.** No certificate or permit, nor any rights thereunder shall be transferred without the approval of the commission.

**13. Security for the Protection of Passengers.** No certificate or permit issued to a motor carrier under the provisions of this act shall remain in effect unless such carrier shall file with the commission, and keep in force, an insurance policy or indemnity bond, in such form and in such reasonable amount as the commission may require, providing for the pay-

ment of any final judgment recovered against such motor carrier for bodily injuries to, or the death of any person using the facilities of motor carriers of passengers resulting from the negligent operation, maintenance, or use of motor vehicles under such certificate or permit.

**14. Rates, Fares and Charges.** Every common carrier of passengers by motor vehicle shall file with the commission and shall print and keep open to public inspection, schedules showing the rates, fares, charges and prices for the transportation of passengers and their baggage or for any service rendered or to be rendered, within such time, in such form and with such detail, as the commission may prescribe. Unless the commission otherwise orders, no change shall be made in any such rate, fare, charge or price, which shall have been filed or published in compliance with this section, except after thirty days' notice to the commission and such notice to the public as the commission shall direct.

**15. Discrimination Prohibited.** It shall be unlawful for any common carrier by motor vehicle engaged in transportation between points in this state to make, give, or cause any undue or unreasonable preference or advantage to any particular person or locality, in any respect whatsoever, or to subject any particular person or locality to any unjust discrimination or any undue or unreasonable prejudice or disadvantage in any respect whatsoever.

**16. Complaints; Investigation.** Whenever, after hearing, upon complaint or in an investigation on its own initiative, the commission shall be of the opinion that any rate, fare or charge, demanded, charged or collected or proposed to be collected by any common carrier or carriers by motor vehicle, or by any such carrier in conjunction with any other common carriers, for transportation of persons between points in this state, or any classification, rule, regulation or practice whatsoever of such carrier or carriers affecting such rate, fare or charge, is or will be unjust, unreasonable, unlawful or unjustly discriminatory or unduly preferential or prejudicial, it shall determine the lawful rate, fare or charge or the maximum or minimum or maximum and minimum rate, fare or charge thereafter to be observed, or the lawful classification, rule, regulation or practice thereafter to be made

effective and the commission shall, whenever deemed by it to be necessary or desirable in the public interest, after hearing, upon complaint or upon its own initiative without a complaint, establish through routes and joint rates, fares, charges, regulations, or practices, applicable to the transportation of passengers, by common carriers by motor vehicle or the maxima or minima, or maxima and minima, to be charged, and the terms and conditions under which such through routes shall be operated.

**17. Adherence to Tariffs.** No common carrier by motor vehicle shall charge or demand or collect or receive a greater or less or different compensation for transportation or for any service in connection therewith between the points enumerated in such tariff than the rates, fares, and charges specified in the tariffs in effect at the time; and no such carrier shall refund or remit in any manner or by any device, directly or indirectly, or through any agent or otherwise, any portion of the rates, fares, or charges so specified, or extend to any person any privileges or facilities for transportation between points in this state except such as are specified in its tariffs.

**18. Schedules of Minimum Rates and Contracts.** It shall be the duty of every contract carrier of passengers by motor vehicle to file with the commission, publish, post and keep open for public inspection in the form and manner prescribed by the commission, schedules of minimum charges or, in the discretion of the commission, copies of contracts of such carrier for the transportation of passengers between points in this state, and any rule, regulation or practice affecting such charges and the value of the service thereunder. No such carrier shall demand, charge or collect a less compensation for such transportation than the charges filed in accordance with this section, as affected by any rule, regulation or practice so filed, and it shall be unlawful for any such carrier, by the furnishing of special services, facilities or privileges, or by any other device whatsoever to charge, accept or receive less than the minimum charges so filed; provided, however, that any such carrier or carriers, or any class or group thereof, may apply to the commission for relief from the provisions of this section, and the commission may grant such relief to such extent and for such time, and in such manner as in its

opinion is consistent with the public interest and the policy declared in section 1 of this act.

**19. Investigation by the Commission.** Whenever, after hearing, upon complaint or upon its own initiative, the commission is of the opinion that any charge of any contract carrier by motor vehicle or any rule, regulation or practice of any such carrier affecting such charge for the transportation of passengers upon the highways, contravenes the policy declared in section 1 or causes an undue or unreasonable advantage or preference to any such carrier in competition with any other carrier, the commission, giving due consideration to the cost of services rendered by such carrier, may prescribe such charge, rule, regulation or practice as in its judgment may be necessary or desirable in the public interest.

**20. Accounts, Records and Reports.** The commission is hereby authorized to require annual reports from all motor carriers, subject to the provisions of this act, to prescribe the manner and form in which such reports shall be made, and to require from such carriers specific answers to all questions upon which the commission may deem information to be necessary. Such report shall be under oath whenever the commission so requires. The commission may also require any motor carrier operating under the provisions of this act to file with it a true copy of each or any contract, agreement or arrangement between such carrier and any other carrier or person in relation to any traffic affected by the provisions of this act, to which he or it may be a party. The commission may, in its discretion, prescribe the forms of any and all accounts, records and memoranda to be kept by motor carriers and the length of time that such accounts, records and memoranda shall be preserved, including the accounts, records and memoranda of the movement of traffic, as well as of the receipts and expenditures of money. The commission or its duly authorized representatives shall at all reasonable times have access to all accounts and records, including all documents, papers and correspondence now or hereafter existing, and kept, or required to be kept, by motor carriers subject to this act. This provision shall apply to receivers of carriers and to operating trustees, and to the extent deemed necessary by the commission, to persons having control, direct or indirect, over or affiliated with any motor carrier.



**21. General Duties and Powers of the Commission.** It shall be the duty of the commission:

I. To regulate common and contract carriers by motor vehicle as provided in this act, and to that end the commission may establish reasonable requirements and regulations with respect to reasonable and adequate service, transportation of baggage and express, uniform systems of accounts, records, and reports, preservation of records and safety of operation and equipment.

II. To administer, execute, and enforce all other provisions of this act, to make all necessary orders in connection therewith, and to prescribe rules, regulations, and procedure for such administration.

**22. Investigations and Orders.** Upon complaint in writing by any person, organization, or body politic, or upon its own initiative, the commission may investigate whether any motor carrier has failed to comply with any provision of this act, or with any requirement established pursuant thereto. If the commission, after notice and hearing, finds upon any such investigation that the motor carrier has failed to comply with any such provision or requirement, the commission may issue an appropriate order to compel the carrier to comply therewith. Whenever the commission is of the opinion that any complaint does not state reasonable grounds for investigation and action on its part, it may dismiss such complaint. Procedure to be followed in connection with an appeal from any order of the commission shall be in accordance with Public Laws, chapter 239 and amendments thereto.

**23. Investigation; Inspectors.** Every motor carrier while operating in the course of its business in this state, when requested to do so by a duly authorized representative of the commission who displays the proper insignia of his office, shall stop and submit his motor vehicle to such reasonable examination as may be necessary to inform the representative of the condition thereof. Any such carrier who, personally or by his agent, violates any provision of this section shall be punished by a fine of not more than twenty-five dollars. For the purpose of enforcing this act and the rules and regulations prescribed by the commission pursuant to the provisions thereof, authorized representatives of the commission shall

have the powers of a deputy sheriff in any county in this state.

**24. Vehicles to be Registered.** Each motor carrier holding a certificate or a permit under the provisions of this act shall annually apply to the commission on blanks to be furnished by it, for the registration of each vehicle operated under the provisions of such certificate or permit and pay to said commission fees as provided for in section 25. Upon receipt of such application and fee a distinguishing number plate or plates and registration certificate shall be furnished by the commission for each vehicle applied for and said plates shall be prominently displayed on the vehicle in such manner as the commission shall prescribe. No such plates shall be transferred from one vehicle to another, except upon authority and with the consent of the commission and upon payment of the fee prescribed in section 25. Registration certificates and number plates issued under the provisions of this section shall be used coincidental with, and shall expire with the corresponding registration certificate and number plates issued by the motor vehicle department of this state; provided however, that if the vehicle so registered as a motor carrier is not registered with the motor vehicle department of this state said carrier registration certificate and number plates shall expire with March thirty-first next following the date of issue.

**25. Fees.** There shall be paid to the commission, the following fees:

I. For each application for common or contract carrier of passengers for which a certificate or permit is issued pursuant to sections 4 or 7, two dollars;

II. For each application for common or contract carrier of passengers for which a certificate or permit is issued pursuant to sections 5 or 8, ten dollars;

III. For the annual registration of each vehicle used in common carriage of passengers, five dollars;

IV. For the annual registration of each vehicle used in contract carriage of passengers unless registered for use as a common carrier, three dollars;

V. For each transfer of a motor vehicle registration certificate of a common or contract carrier of passengers, one dollar.

**26. Temporary Certificates and Permits.** To enable the provision of service for which there is an immediate and urgent need to a point or points or within a territory having no carrier service capable of meeting such need, the commission may, in its discretion and without hearings or other proceedings, grant temporary authority for such service by a common carrier or contract carrier by motor vehicle, as the case may be. Such temporary authority, unless suspended or revoked for good cause, shall be valid for such time as the commission shall specify but for not more than an aggregate of sixty days, and shall create no presumption that corresponding permanent authority will be granted thereafter. Pending determination and approval by the commission of a transfer or lease as provided for in section 12, the commission may, in its discretion and without hearings or other proceedings, grant temporary approval for a period not exceeding sixty days of the operation of the motor carrier certificate or permit sought to be acquired by the person proposing to acquire such certificate or permit, if it shall appear that failure to grant such temporary approval may result in undue interference with the performance of adequate and continuous service to the public. Transportation service rendered under such temporary authority shall be subject to all applicable provisions of this act and to the rules, regulations and requirements of the commission issued thereunder.

**27. Penalty.** Any person violating any provision of this act, or any rule, regulation, requirement or order issued thereunder, or any term or condition of any certificate, permit or license, shall upon conviction be fined not more than one hundred dollars for the first offense and not more than five hundred dollars for any subsequent offense. Each day of such violation shall constitute a separate offense. Any person, whether carrier, officer, employee, agent or representative thereof, who shall knowingly offer, grant or give, or solicit, accept, or receive any rebate, concession or discrimination in violation of any provision of this act, or who by means of any false or fictitious bill, receipt, voucher, roll, account, claim, certificate, affidavit, deposition, lease or bill of sale, or by any other means or device, shall knowingly and wilfully assist, suffer or permit any person or persons, natural or artificial,

to obtain transportation of passengers subject to this act for less than the applicable rate, fare or charge, or who shall knowingly and wilfully by any such means or otherwise fraudulently seek to evade or defeat regulation as in this act provided for motor carriers, shall be deemed guilty of a misdemeanor and upon conviction thereof be fined not more than one hundred dollars for the first offense and not more than one thousand dollars for any subsequent offense.

**28. Disposition of Revenues.** All fees and fines collected pursuant to the provisions of this act shall be made available to the commission for use in the administration and enforcement of this act.

**29. Separability of Provisions.** If any provision of this act, or the application thereof to any person, or commerce, or circumstance, is held invalid, the remainder of this act and the application of such provision to other persons, or commerce, or circumstances shall not be affected thereby.

**30. Repeal.** Chapter 258 of the Public Laws (chapter 295 of commissioners' report) is hereby repealed, effective April 1, 1942. Section 8 of chapter 106, Laws of 1933 (chapter 281, section 8, commissioners' report) is hereby repealed upon the passage of this act.

**31. Takes Effect.** This act shall take effect and be in force on and after April 1, 1942, except that, following approval of this act the commission shall have authority to anticipate said effective date by promulgating in advance such procedures, rules and regulations as may be necessary to the administration hereof, and the commission shall have authority to receive applications for certificates and permits in conformance with the provisions hereof after the passage of this act.

[Approved June 13, 1941.]

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## CHAPTER 225.

JOINT RESOLUTION IN FAVOR OF GUY S. NEAL AND OTHERS.

*Resolved by the Senate and House of Representatives in General Court convened:*

THAT Guy S. Neal, sergeant-at-arms of the house, be allowed the sum of eighteen dollars; that Raymond B. Lake-

man, sergeant-at-arms of the senate, be allowed the sum of twenty-seven dollars; that Benjamin H. Bragg be allowed the sum of sixteen dollars; that William W. Allen be allowed the sum of sixteen dollars; that W. P. Hazelton be allowed the sum of twenty-four dollars; that Harold Fournier be allowed the sum of twenty dollars; that Herbert M. Thyng be allowed the sum of four dollars; that Charles F. Adams be allowed the sum of twelve dollars; that Charles Bean be allowed the sum of twelve dollars; that Palmer C. Reid be allowed the sum of eight dollars; that Robert L. Stark be allowed the sum of three dollars; that Edward Jones be allowed the sum of twelve dollars; that Herbert McCoy be allowed the sum of five dollars; that Edward Jacques be allowed the sum of twenty dollars; that Alice V. Flanders be allowed the sum of sixteen dollars; that Marion C. Colby be allowed the sum of twelve dollars; that Paul Amos Mansur be allowed the sum of sixteen dollars; in full for their services at the organization of the present senate and house, and that the governor be authorized to draw his warrant for the same on the treasury.

[Approved January 22, 1941.]

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## CHAPTER 226.

### JOINT RESOLUTION IN FAVOR OF MOUNT WASHINGTON OBSERVATORY.

*Resolved by the Senate and House of Representatives in  
General Court convened:*

THAT the sum of twelve hundred dollars (\$1,200) be and hereby is appropriated for the year beginning July 1, 1941, and a like sum for the year beginning July 1, 1942, for the Mount Washington Observatory, to be used for the work of said corporation in scientific research relative to weather observations, rendering assistance to persons climbing Mount Washington and for other work of said corporation. Said sums shall be paid out upon warrant of the governor and council and shall be a charge upon money in the treasury not otherwise appropriated.

[Approved March 13, 1941.]

**CHAPTER 227.**

JOINT RESOLUTION RELATING TO THE TRANSFER TO GRAFTON  
COUNTY OF FUNDS REMAINING IN THE HANDS OF THE  
STATE TREASURER TO THE CREDIT OF THE TOWN OF  
LIVERMORE.

WHEREAS, there is in the hands of the state treasurer to the credit of the town of Livermore the sum of one thousand three hundred seventy dollars and eighty-six cents; and

WHEREAS, upon the termination of the town of Livermore as a territorial entity there remained to be supported a public charge of that town; and

WHEREAS, said public charge has now deceased and the county of Grafton has expended over two thousand dollars in his care and support; now, therefore,

*Resolved by the Senate and House of Representatives in  
General Court convened:*

THE sum of one thousand three hundred seventy dollars and eighty-six cents (\$1,370.86) now in the hands of the state treasurer to the credit of the town of Livermore is hereby appropriated to the use of the county of Grafton, and the state treasurer is authorized to execute the documents necessary to effect such a transfer.

[Approved March 18, 1941.]

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**CHAPTER 228.**

JOINT RESOLUTION IN FAVOR OF THE ESTATE OF GEORGE Y.  
EMERSON.

*Resolved by the Senate and House of Representatives in  
General Court convened:*

THAT the state treasurer be directed to pay to the estate of George Y. Emerson the balance of salary due said decedent as a member of the house of representatives.

[Approved March 25, 1941.]

**CHAPTER 229.**

JOINT RESOLUTION IN FAVOR OF THE ESTATE OF CLARA B. C.  
ROSE OTHERWISE KNOWN AS CLARA B. ROZEWSKI.

*Resolved by the Senate and House of Representatives in  
General Court convened:*

THAT the sum of four hundred seventy-five dollars (\$475) be and hereby is allowed John H. Colby, executor of the estate of Clara B. C. Rose, otherwise known as Clara B. Rozewski, late of Manchester, the said sum being overpayment of inheritance tax by said estate to the state of New Hampshire. The governor is hereby authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

[Approved March 27, 1941.]

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**CHAPTER 230.**

JOINT RESOLUTION MAKING AN APPROPRIATION FOR THE DREDGING OF THE ENTRANCE TO THE CHANNEL TO BIG SQUAM LAKE IN THE TOWN OF HOLDERNESS.

*Resolved by the Senate and House of Representatives in  
General Court convened:*

THAT the sum of five hundred dollars (\$500) be and hereby is appropriated for the year 1941 for the purpose of dredging the entrance to the channel to Big Squam lake in the town of Holderness. The sum hereby appropriated shall be expended under the direction of the highway department and the governor is hereby authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

[Approved April 2, 1941.]

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**CHAPTER 231.**

JOINT RESOLUTION IN FAVOR OF CHARLES E. STEVENS.

*Resolved by the Senate and House of Representatives in  
General Court convened:*

THAT the sum of four thousand nine hundred and ten dollars and thirty-one cents (\$4,910.31) be and hereby is

appropriated for compensation and expenses on account of an accident suffered by Charles E. Stevens of Warren while working on a state highway on June 6, 1939 as follows: One thousand dollars to said Charles E. Stevens, upon the passage of this resolution, and ten dollars per week for a period of two hundred weeks; three hundred and eighty dollars to Olga Chiaradia,\* R. N.; six hundred and fourteen dollars to H. C. Pickwick, M. D., Lisbon; fifty dollars to D. M. Miller, M. D., Woodsville; forty-seven dollars and fifty cents to F. J. Kasheta, M. D., Warren; four hundred and seventy-four dollars and seventy-six cents to Cottage Hospital, Woodsville; one hundred sixteen dollars and five cents to Mary Hitchcock Memorial Hospital, Hanover; two hundred twenty-eight dollars to Hitchcock Clinic, Hanover. The sums hereby appropriated shall be a charge upon the highway funds and shall be in full settlement of the above claims.

[Approved April 2, 1941.]

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## CHAPTER 232.

### JOINT RESOLUTION IN FAVOR OF MILLARD KIDDER.

*Resolved by the Senate and House of Representatives in General Court convened:*

THAT the sum of fifteen hundred and sixty dollars (\$1,560) be and hereby is allowed and appropriated to compensate Millard Kidder, of Lebanon, for injuries suffered by him while working for the state highway department on a sand bank in West Lebanon on February 15, 1939. The sum hereby appropriated shall be paid to said Millard Kidder as follows: The sum of six hundred dollars (\$600) upon passage of this resolution, and the sum of five dollars (\$5) per week for one hundred and ninety-two weeks. The sum hereby appropriated shall be a charge upon the highway funds, shall be in full settlement of the above claim, and shall be in addition to the compensation heretofore allowed said Millard Kidder from the highway department for said injuries.

[Approved April 8, 1941.]

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\* See also Chapter 240, *post*.



**CHAPTER 233.**

JOINT RESOLUTION IN FAVOR OF HARRY FRANKLIN.

*Resolved by the Senate and House of Representatives in General Court convened:*

THAT the sum of two hundred dollars (\$200) be and hereby is appropriated and allowed Harry Franklin of Lyme for injuries he received on June 5, 1939, while in the employ of the state highway department. The sum hereby appropriated shall be a charge upon the highway funds, and shall be in full settlement of said claim.

[Approved April 15, 1941.]

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**CHAPTER 234.**

JOINT RESOLUTION IN FAVOR OF OLIVER HADLEY.

*Resolved by the Senate and House of Representatives in General Court convened:*

THAT the sum of two thousand dollars (\$2,000) be and hereby is appropriated to pay Oliver Hadley for personal injuries and expense sustained thereby caused by an accident near Dixville Notch on July 3, 1929, involving the premature explosion of dynamite on highway construction work; and said sum shall be a charge upon the highway funds and shall be in full settlement for said claim.

[Approved April 15, 1941.]

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**CHAPTER 235.**

JOINT RESOLUTION IN FAVOR OF FRED H. BENT.

*Resolved by the Senate and House of Representatives in General Court convened:*

THAT the state treasurer be and hereby is authorized and directed to pay to Fred H. Bent of Waltham, Massachusetts, the sum of ten dollars and sixteen cents (\$10.16) which represents the amount belonging to said Bent which was turned into the state treasury in 1912 upon the liquidation of the

Mechanics Savings Bank of Nashua and which was not claimed by said owner within the time specified by statute. The governor is hereby authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

[Approved May 20, 1941.]

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## CHAPTER 236.

### JOINT RESOLUTION AUTHORIZING THE APPOINTMENT OF A COMMITTEE TO INVESTIGATE THE ADVISABILITY OF ERECTING WITHIN THE STATE AN EXHIBITION AND CONVENTION BUILDING.

WHEREAS, the exhibition of the products of agriculture, industry, commerce and the arts for the education and improvement of the people of the state is essential to the state's progress and

WHEREAS, the convening from time to time of the people of the state for the study of their common interests is essential to their progress and that of the state and

WHEREAS, there is no suitable building of sufficient size available in the state for such purposes and

WHEREAS, the lack of such an exhibition and convention building has made it necessary to cancel for an indefinite period in the future a New Hampshire agricultural exhibition, of a type unsurpassed in the nation; therefore be it

*Resolved by the Senate and House of Representatives in General Court convened:*

THAT the governor and council be and hereby are authorized to appoint a special committee of five members to investigate the advisability of erecting at a suitable place within the state an adequate convention and exhibition building. Said committee shall make a report of its findings and recommendations to the governor on or before December 1, 1942, to be by him presented to the 1943 legislature.

[Approved May 20, 1941.]

**CHAPTER 237.****JOINT RESOLUTION IN FAVOR OF WILLIAM R. STEVENS.**

*Resolved by the Senate and House of Representatives in General Court convened:*

THAT the sum of five hundred dollars (\$500) be and hereby is appropriated to compensate William R. Stevens of the town of Piermont for accidental injuries suffered by him on June 10, 1939, while in the employ of the state highway department. An additional sum of ninety-two dollars and fifty cents (\$92.50) is likewise appropriated to cover doctor's bills incurred by said William R. Stevens in connection with the aforesaid accident. The sums hereinbefore appropriated shall be in full settlement of claim by said William R. Stevens for injuries received in said accident and shall be a charge upon the highway funds.

[Approved May 22, 1941.]

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**CHAPTER 238.****JOINT RESOLUTION IN FAVOR OF MANENA RIVERS.**

*Resolved by the Senate and House of Representatives in General Court convened:*

THAT the state treasurer be directed to pay to Manena Rivers, the balance of salary due Harry J. Rivers, deceased member of the house of representatives from Laconia.

[Approved May 22, 1941.]

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**CHAPTER 239.****JOINT RESOLUTION MAKING APPROPRIATION FOR THE Y. D. CONVENTION TO BE HELD IN THE CITY OF MANCHESTER.**

*Resolved by the Senate and House of Representatives in General Court convened:*

THAT the sum of three thousand dollars (\$3,000) be and hereby is appropriated for the purpose of contributing towards the expenses of the National Y. D. Convention to be

held in the city of Manchester in June, 1941. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

[Approved May 27, 1941.]

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## CHAPTER 240.

### JOINT RESOLUTION IN FAVOR OF OLGA CHIARADIA.\*

*Resolved by the Senate and House of Representatives in General Court convened:*

THAT the sum of one hundred and seventy-two dollars (\$172) be and hereby is appropriated to compensate Olga Chiaradia, R. N., for services in connection with an injury suffered by Charles E. Stevens while working on a state highway on June 6, 1939. The sum hereby appropriated shall be a charge upon the highway funds.

[Approved June 4, 1941.]

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## CHAPTER 241.

### JOINT RESOLUTION IN FAVOR OF ALFRED J. CHRETIEN, JUSTICE OF THE MUNICIPAL COURT OF MANCHESTER.

WHEREAS, Charles A. Perkins, late justice of the municipal court of Manchester, died during the month of February, 1939, and

WHEREAS, the annual salary of the justice of the municipal court of Manchester paid by the city of Manchester is twenty-four hundred dollars, and

WHEREAS, Alfred J. Chretien, then special justice of that court at an annual salary of eight hundred dollars, acted alone as presiding justice from the above mentioned time to the date of his appointment and confirmation as justice of that court, December 16, 1940, at the same annual salary of eight hundred dollars, and

WHEREAS, before the death of the said Charles A. Perkins the combined salaries of the justice and special justice of the

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\* See also chapter 231, *ante*.

municipal court of Manchester amounted to thirty-two hundred dollars, therefore be it

*Resolved by the Senate and House of Representatives in General Court convened:*

THAT Alfred J. Chretien be allowed the sum of twenty-eight hundred dollars on the basis of an increase in salary of sixteen hundred dollars a year for a period of twenty-one months, extending from March 1, 1939, to November 30, 1940, so that his salary for that period will equal that of justice of that court, for his services as sole presiding justice during that period, the said sum to be paid by the city of Manchester.

[Approved June 5, 1941.]

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## CHAPTER 242.

### JOINT RESOLUTION PROVIDING FOR TRAINING MEETINGS FOR FOREST FIRE WARDENS.

*Resolved by the Senate and House of Representatives in General Court convened:*

THAT the state forester may call fire training meetings, during the spring and also during the fall, during the years 1941 and 1942, of the wardens, deputy wardens and other employees of the forestry and recreation department at convenient points within the state for the purpose of giving advice and instruction relative to forest fires. The town forest wardens and deputy wardens so summoned by the state forester shall be paid for their time and expenses in attending such meetings, such payment to be borne equally by the municipalities represented and the state in the same manner as provided in sections 21 to 27, inclusive, of chapter 191 of the Public Laws. The sum of two thousand dollars is hereby appropriated to be expended by the state forester for the purpose of defraying the state's portion of the per diem and expenses of wardens and deputy wardens to the semi-yearly fire training meetings provided for herein. The governor is hereby authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

[Approved June 5, 1941.]

## CHAPTER 243.

JOINT RESOLUTION TO MAKE A LONG RANGE PLAN FOR THE  
DEVELOPMENT OF GREAT BAY.

*Resolved by the Senate and House of Representatives in  
General Court convened:*

THAT the state planning and development commission be requested to make a long range plan for the development of Great Bay and the immediately adjoining territory, with suggestions for a program of carrying out such plan and an estimate of the costs involved, and submit the same to the 1943-1944 legislature.

[Approved June 10, 1941.]

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CHAPTER 244.

JOINT RESOLUTION IN FAVOR OF FRED BERGERON OF KEENE.

*Resolved by the Senate and House of Representatives in  
General Court convened:*

THAT the sum of seven hundred forty-eight dollars and seven cents (\$748.07) be and hereby is appropriated to compensate Fred Bergeron of Keene for expenses and permanent disability in connection with injuries to the hand of his son, Howard Bergeron, caused while operating a printing press at the Keene Teachers College on March 28, 1939 as follows: Six hundred dollars to Fred Bergeron; fifty-four dollars to John J. Brosnahan, M. D.; thirty-five dollars to Robert M. Holmes, M. D.; and fifty-nine dollars and seven cents to Elliot Community Hospital. The governor is hereby authorized to draw his warrant upon any money in the treasury not otherwise appropriated, for said sums. The sums hereby appropriated shall be in full settlement of the above claims.

[Approved June 11, 1941.]

## CHAPTER 245.

JOINT RESOLUTION FOR A SPECIAL COMMITTEE TO STUDY THE  
REVISION AND CODIFICATION OF LAWS RELATING TO CRIME,  
CRIMINAL PRACTICE, PROCEDURE AND PLEADING.

*Resolved by the Senate and House of Representatives in  
General Court convened:*

THAT a special committee be appointed by the governor, with the advice and consent of the council, to consist of four members together with the attorney general, *ex officio*, whose duty it shall be to make a survey and study of the laws relating to crime, criminal practice, procedure and pleading with a view to the revision, codification, simplification and amendment of said laws and the making of any other improvements therein which may seem advisable. Of the appointive members one shall be a solicitor of one of the counties of the state, one shall be a justice of a municipal court and the other two members shall be lawyers. Said members shall serve without pay and the committee shall make a report to the general court by filing its recommendations and findings with the clerk of the senate for submission to the next session of the legislature. The sum of three hundred and fifty dollars is hereby appropriated for expenses of the committee and the governor is hereby authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

[Approved June 12, 1941.]

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## CHAPTER 246.

JOINT RESOLUTION IN FAVOR OF RALPH T. GALLAGHER.

*Resolved by the Senate and House of Representatives in  
General Court convened:*

THAT the sum of nineteen hundred dollars (\$1,900) be and hereby is appropriated and allowed Ralph T. Gallagher of Henniker as compensation for injuries received by him on August 1, 1939, while in the employ of the state highway department payable as follows: The sum of ten dollars a week for a total of one hundred and ninety weeks. The sum here-

by appropriated shall be a charge upon the highway funds and shall be in full settlement of said claim.

[Approved June 12, 1941.]

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## CHAPTER 247.

### JOINT RESOLUTION IN FAVOR OF THE ESTATE OF ROBERT H. STOBIE.

*Resolved by the Senate and House of Representatives in  
General Court convened:*

THAT the sum of three thousand one hundred and eighty-five dollars and five cents (\$3,185.05) be and hereby is allowed and appropriated to compensate the estate of Robert H. Stobie, late of Hooksett, for funds advanced by him personally for the use of the state fish and game department while serving as director of said department. The sum hereby appropriated shall be a charge upon the fish and game fund.

[Approved June 13, 1941.]

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## CHAPTER 248.

### JOINT RESOLUTION RELATING TO THE REGULATION OF SKI TRAFFIC.

*Resolved by the Senate and House of Representatives in  
General Court convened:*

THAT the state planning and development commission be and hereby are directed to investigate the advisability of establishing a commission for the control of ski traffic and for the uniform marking of ski trails and make a report of its findings and recommendations to the next session of the legislature.

[Approved June 13, 1941.]



**CHAPTER 249.**

JOINT RESOLUTION IN FAVOR OF SAMUEL FEINER AND OTHERS.

*Resolved by the Senate and House of Representatives in General Court convened:*

THAT the sum of two hundred eighty-five dollars be and hereby is appropriated for the following purposes: Two hundred and twenty-four dollars (\$224) to Dr. Samuel Feiner of Ashland, thirty-five dollars (\$35) to Dr. Simon Stone of Manchester, three dollars (\$3) to Dr. Ezra A. Jones of Manchester, twenty-three dollars (\$23) to Plymouth Memorial Hospital of Plymouth for medical services and hospital care due to injuries sustained by Earl Mack of Center Harbor on May 23, 1940 while in the employ of the state highway department in said Center Harbor. The sums hereby appropriated shall be a charge upon the highway funds and shall be in full settlement of the above claims.

[Approved June 13, 1941.]

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**CHAPTER 250.**

JOINT RESOLUTION IN FAVOR OF THE ESTATE OF PATRICK E.  
KANE.

*Resolved by the Senate and House of Representatives in General Court convened:*

THAT the state treasurer be directed to pay to the estate of the late Patrick E. Kane the balance of salary due said decedent as a member of the house of representatives.

[Approved June 13, 1941.]

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**CHAPTER 251.**

JOINT RESOLUTION PROVIDING FOR EXPENSES OF SPECIAL SESSION  
OF CONVENTION TO REVISE THE CONSTITUTION.

WHEREAS, in accordance with the last census the membership of the house of representatives will be substantially increased upon the next apportionment; and

WHEREAS, a reduction in membership can be effected without impairing the representative character of the house of representatives and with some saving in the public expense; and

WHEREAS, the convention to revise the constitution which convened as of May 11, 1938, adjourned subject to call of the president; and

WHEREAS, a further session of the convention is deemed necessary for the consideration of a reduction in the membership of the house of representatives and other constitutional changes;

*Resolved by the Senate and House of Representatives in General Court convened:*

THAT a sum not exceeding twelve thousand dollars is hereby appropriated for paying the expenses of an adjourned session of said convention, and the governor is hereby authorized to draw his warrant for so much of said sum as may be necessary for such purposes.

[Approved June 13, 1941.]

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## CHAPTER 252.

JOINT RESOLUTION RELATIVE TO THE ABOLISHMENT OF CERTAIN GRADE CROSSINGS IN THE TOWNS OF WHITEFIELD AND DALTON.

WHEREAS, there are nine grade crossings within a distance of approximately three miles on the line of the Maine Central Railroad from Scott's Station in Dalton to the location of what was formerly the Main Central Station just east of Main street in Whitefield, which are dangerous to the life, limb and property of all persons passing over the highways upon which such crossings are located, and

WHEREAS, the Maine Central railroad is willing to abandon its line and eliminate the crossings between said points and run its trains over the line of the Boston and Maine railroad from Scott's Station through Union Station, in said Whitefield, to the point where its line now connects with that of the Maine Central railroad if the line of the latter road is put into suitable condition to sustain such traffic, now therefore,

*Resolved by the Senate and House of Representatives in General Court convened:*

THAT the sum of not exceeding twenty thousand dollars be and hereby is appropriated to be expended by the state highway commissioner for assisting, in such manner as he may deem for the best interests of the public, in the elimination of the grade crossings in the towns of Dalton and Whitefield through the abandonment of the line of the Maine Central railroad and the reconditioning of a portion of the line of the Boston and Maine railroad, provided that sufficient additional funds are provided for the completion of said project. The sum hereby appropriated shall be a charge upon the highway funds.

[Approved June 13, 1941.]

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### CHAPTER 253.

JOINT RESOLUTION ESTABLISHING A COMMITTEE TO STUDY THE PRACTICE OF AUTOMOBILE FINANCING.

*Resolved by the Senate and House of Representatives in General Court convened:*

THAT the governor, with the advice and consent of the council, appoint a committee of eight to study the practice of automobile financing in all its aspects, which committee shall report its findings and recommendations to the next legislature. Said committee shall include the insurance commissioner, bank commissioner and attorney general. Other interests to be represented are to be New Hampshire State Bankers' Association, New Hampshire Automobile Dealers Association, New Hampshire Insurance Agents Association, an agent of a New Hampshire fire insurance company, a representative of a New Hampshire automobile finance company.

[Approved June 13, 1941.]

## CHAPTER 254.

JOINT RESOLUTION OPPOSING THE ST. LAWRENCE SEAWAY  
PROJECT.

WHEREAS, the Congress of the United States is now considering the advisability of the completion of the St. Lawrence River Seaway development as an international project; and

WHEREAS, the claim that the United States needs this seaway for defense is not supported by the facts but has inspired the charge that the military, naval, and air hazards involved in the project are all out of proportion to the industrial or commercial benefits that might accrue; and

WHEREAS, the waterway would be ice bound for five months of the year and during that navigation season would provide an easy target for bombing and afford an opportunity for sabotage in the locks and dams of the ship channel; and

WHEREAS, the project would provide no tolls but would permit free use of the waterway for foreign shipping threatening to ruin New England economy, the railroads, the Atlantic coast shipping and deluging the Great Lakes region with cheap foreign products undermining American labor, industry and agriculture; and

WHEREAS, the imperative demands of national defense require urgent use of men, materials and money in the construction of planes, tanks, guns and other munitions which would be seriously affected by divergence to an uneconomic seaway project; and

WHEREAS, the waterway could not be placed in full operation before 1948 and would thus not become part of immediate national defense, therefore be it

*Resolved by the Senate and House of Representatives in General Court convened:*

THAT it is the sense of the General Court that the use of the St. Lawrence River for the establishment of a deeper seaway is a wasteful and unwarranted project in the present national crisis, and be it further resolved, that a copy of this resolution be transmitted by the secretary of state to each of the senators and representatives in Congress of this state and to the Speaker of the House of Representatives of the

Congress of the United States and to the President of the United States Senate.

[Approved June 13, 1941.]

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## CHAPTER 255.

### JOINT RESOLUTION RELATING TO FOREST FIRES.

WHEREAS, a state of fire emergency still exists in many parts of New Hampshire as a result of down timber, slash and debris caused by the hurricane of September 21, 1938; and

WHEREAS, the state is now left with the basic responsibility to adequately meet this dangerous forest fire emergency situation, therefore be it

*Resolved by the Senate and House of Representatives in General Court convened:*

THAT the unexpended balance on June 30, 1940 of funds provided in chapter 254 of the Laws of 1939 be hereby appropriated for the biennial period ending June 30, 1943 for the following purposes: Three-quarters of said balance to be used by the forestry and recreation department with approval of the governor and council for payment of forest fire bills to towns if the appropriation for one or both of the two years ending June 30, 1943 should not be adequate. One-quarter of said balance to be expended by the forestry and recreation department with the approval of the governor and council for aid to towns in securing adequate tool supplies for forest fire purposes.

[Approved June 13, 1941.]

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## CHAPTER 256.

### JOINT RESOLUTION IN FAVOR OF GUY S. NEAL AND OTHERS.

*Resolved by the Senate and House of Representatives in General Court convened:*

THAT Guy S. Neal, sergeant-at-arms and Raymond B. Lake-man, sergeant-at-arms be allowed the sum of \$639 each; that

Edwin B. Young, chaplain, be allowed the sum of \$540; that Paul Amos Mansur and Henry Phelps, messengers, be allowed the sum of \$568 each; that William W. Allen, doorkeeper, be allowed the sum of \$568; that Chester Jewell, telephone messenger, be allowed the sum of \$568; that Harold Fournier, custodian, be allowed the sum of \$639; that Lenne Twombly, Harry L. Yeaton, Sherman Greer, George Knowlton, doorkeepers, be allowed the sum of \$568 each; that Oney Z. Russell, Lawrence B. Holt, wardens, be allowed the sum of \$568 each; that Herbert M. Thyng, Forest G. Knowles, messengers, be allowed the sum of \$568 each; that Frederic H. Dewey, speaker's page, be allowed the sum of \$426; that Alton A. Oleson, Richard G. Kimball, Edwin L. Bray, Herbert McCoy, Carl S. Adams, pages, be allowed the sum of \$355 each; that Alice V. Flanders, house stenographer, be allowed the sum of \$1,136; that Bessie A. Callaghan, senate stenographer, be allowed the sum of \$1,136; that Marion C. Colby, Frances C. Barnard, house stenographers, be allowed the sum of \$852 each; that Grace J. White, senate stenographer, be allowed the sum of \$852; that Andrea L. LeBrun, Eleanor C. Brown, judiciary and appropriation stenographers, be allowed the sum of \$710 each; that Palmer C. Read, judiciary messenger, be allowed the sum of \$568 and Charles Bean, appropriation messenger, be allowed the sum of \$504; that Benjamin F. Greer, senate clerk, and Cyril J. Fretwell, house clerk, be allowed the sum of \$500 each; that Frank M. Ayer, assistant clerk of the senate, be allowed the sum of \$500; that Robert L. Stark, assistant clerk of the house, be allowed the sum of \$500; that Cyril J. Fretwell, clerk of the house, be allowed the sum of \$2,560 to be paid in weekly installments beginning at the close of the present legislative session, continuing and including the last week in December, 1942, under the supervision and direction of the secretary of state or deputy secretary of state. The above amount to be in lieu of, and in full payment for services including filing of the permanent journal with the secretary of state. That W. J. Chadbourne, photographer, be allowed the sum of \$1,500; that Ralph E. Langdell, governor's attorney, be allowed the sum of \$1,242.20; that Donald Knowlton, governor's attorney, be allowed the sum of \$1,500; that Marion G. Alexander, legislative advisor, be allowed the sum of \$500.

The above mentioned sums shall be a charge upon the legislative appropriation.

[Approved June 13, 1941.]

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### CHAPTER 257.

From January, 1939, to January, 1941, the registers of probate returned to the secretary of state the following changes of names made by the probate court:

ROCKINGHAM COUNTY—Joan Ann Walukinas to Joan Ann Gilkey; Mike Luchinsky alias Michael Lucinski to Michael Lewis; Beverly L. Lucinski to Beverly L. Lewis; Patricia Louise Chard to Patricia Ann Beers; Reginald Dunham to Reginald E. Kelley; Mary Elizabeth Wiggin to Dolly Austin Wiggin; Mertie E. Estabrook to Mertie Etta Whittier; Alfred Wightman to Alfred Wood Wightman; Harold G. Klauberg to Harold George Bowerfind; Roland Farrar to Roland Farrar O'Leary; Richard Farrar to Richard Farrar O'Leary; Philip John Farrar to Philip Farrar O'Leary; Robert Gardner Pender to Robert Gardner Vasselian; Wadislaw Biadacz to Charles Broderick; John A. Biadacz to John A. Broderick; Ella T. Biadacz to Ella T. Broderick; Marilyn K. Biadacz to Marilyn K. Broderick; Elaine M. Biadacz to Elaine M. Broderick; Josephine M. Biadacz to Josephine M. Broderick; John A. Biadacz, Jr. to John A. Broderick, Jr.; Margaret Stack to Margaret Haggerty; Wanda Kucharczyk to Wanda Baker; Muriel M. Norton to Muriel Gertrude Morton; Olive M. Christie to Olive M. Clark; Richard William Hallinan to Robert William Davenport; Patricia Ann Hallinan to Patricia Ann Davenport; William Edward Heffler to William Edward Powell; Katherine Louise Sprague to Barbara Grace Ingram; Warren James Ward to Warren James Perkins; Joseph T. Page to Leon T. Page; Carol Whitney to Carol Joyce Steady; James Henry Gaw to David James Fix; Mildred Marjorie Senter to Mildred Marjorie Hall; Dorothy M. Zoller to Dorothy M. Root; William Richard Zoller to William Richard Root; Peter Carrier to John G. Currier; Earle Grant Boutelle, Jr. to Grant Clarence Woodbury; Dorothy Faith Ann Johnson to Faith Ann Joslyn; Alfrieda Jeanette O'Brien to Alfrieda Jeanette Jarowsky; Dorothy Alice Labbe to Dorothy Alice Gilman; Nancy McLean to Nancy Fogg; Meyer Jacob Rosen

to Milton Jack Rosen; William Samuel Heath to William Samuel Shepard; Josephine Freeman Tobyne to Josephine Freeman Tabor; Elizabeth Ann Gilman to Shirley Ann Preston; Robert Harold Marden to Robert Harold Byron; Beverly May Jameson to Beverly May Berry; Helen P. Larsen to Helen P. Shelton; Doris M. Larsen to Doris M. Shelton; Frances A. Larsen to Frances A. Shelton; Mary Elizabeth Diener to Mary Elizabeth Andrews; Theodore Bertram Diener to Theodore Bertram Andrews; Roberta G. L. Saffell to Roberta Louise O'Dare; Robert E. H. Saffell, Jr. to Robert Edward O'Dare; Everett B. Osgood to Charles Bailey Osgood; Preston Boyce Hawthorne to Preston Boyce Wares; Edith Frances Goulette to Edith Frances Keen; John Alexander Krukowski to John Alexander Cook; Richard Stanley Dorey to Richard Walker Corcoran; Ramona M. Williams to Ramona M. Pearson; Carol Ann Russell to Carol Ann Jackson; Laurel Elizabeth Webster to Laurel Elizabeth Knights; Hazel Madeline Corning to Hazel M. Sawyer; Fannie Belle Dearborn to Fannie Belle Johnston; Coy Sharleen Caswell to Coy Sharleen Hillyard; Janice Stevens to Janice Weston; Domenica Papasodero to Domenica Rosa; John Papasodero to John Rosa; William Papasodero to William Rosa; Ernest Papasodero to Ernest Rosa; Ernest George Carr to Ernest George Campbell.

STRAFFORD COUNTY—James Woodrow Prescott to James Woodrow Sewall; Willis M. Bartlett to Willie M. Tuttle; John Joseph Lever to John Joseph Rochon; Steven John Kruse to Steven John Merrill; Charles Issachar Ramsey to Charles Issachar Doeg; Jeannette Agnes Stewart Ramsey to Jeannette Agnes Stewart Doeg; Sandra Lee Nordine to Sandra Lee Morang; Donald Raymond Vachon to Edward Albert Richard; Olivette Frances Goodwin to Olivette Frances Murdock; Helynn Sandra Kopac to Helynn Sandra Cross; Armand Bernier to Armand Gilbert; Janice Leona Bean to Janice Leona Sanders; Threse C. St. Pierre to Threse C. Couture; Leon Samuel McCombe, Jr. to Jack Arthur Wallis; Morris Liptzer to Alfred Morris Lewis; Jeanette E. Liptzer to Jeanette E. Lewis; Bennett Leonard Liptzer to Bennett Leonard Lewis; Pearl Gloria Liptzer to Pearl Gloria Lewis; David Alonzo O'Conner to David Alonzo Smith; Edmund King to Edmund Douglas; James Arthur (Cole) Haskell to George Edgar Grondin; Maynard Joseph Vennard to Maynard Joseph



Orr; Joan Elizabeth Woodman to Doris Elizabeth Preston; Joyce Vanessa Garland to Joyce Vanessa Haedt; Kysir Dowaliby to James Dowaliby; George Lefebvre to George Vincent; Marie Lefebvre to Marie Vincent; Arthur Lefebvre to Arthur Vincent; Walter J. Lougee to Jacob Walter Lougee; Walter W. Truman to Walter W. Fischer; Gerard E. Gagne, Jr. to John Paul Anthony Gagne; Albert Baxter to Leon Francis Davis; Willis A. Smith to Perley A. Smith; Constance Virginia Chard to Constance Virginia Nangle; Florence M. Cullen to Florence M. LeClair; Wilhelmine Rookey to Wilhelmine Routhier; Joseph Louis Rookey, Jr. to Joseph Louis Routhier, Jr.; Rudolph Eugene Rookey to Rudolph Eugene Routhier; Marianne Rookey to Marianne Routhier; Marie Louise Rookey to Marie Louise Routhier; Leopold Nadeau to Leopold Lessard; Nicholas J. Micocci to Nicholas Joseph Caswell; Leon Ellis to Leon Hall; Roy Begley to Roy Whitlock Judd, Jr.; Jane Cancia Teaberg to Jane Cancia Willard; William Randall Ramsey III to William Lamar Hayes; Paul Secord to Robert Eugene Sanborn; Benjamin Kenney to Archie B. Canney; Arlene Osgood to Arlene Mildred Abbott; Gerald Miller to Gerald Ouelette; Ronald Francis Finnin to Ronald Francis Eastman; Barbara Rose Skillings to Barbara Rose Hurd; Jeannette Bertha Hebert to Jeannette Bertha Rouleau; Robert Augustine Lindsay to Arthur Robert DuBois; Joseph Leo Henry Peloquin to Leo Henry Cater; Rita May Dubois to Rita May Tibbetts; Walter Clyde Lea to W. Clyde Carden; Jacqueline Grace Evans to Jacqueline Grace Hamilton; Joseph Raymond Parent to Raymond Joseph Foss; Annie Gage Caldwell to Annie B. Gage; Gail Patricia Grant to Gail Penthia Wood; Senley Thomas Printy to John Senley Printy; Xavier Croteau to Joseph Hubert Leon Croteau; Minnie Etta Norris (McCrillis) to Minnie Etta Norris McCrillis.

BELKNAP COUNTY—Florence E. Chamberlain to Florence Redman; Norma Lee Ratta to Norma Lee Rutta; Gladys E. Ratta to Gladys E. Rutta; Charles Hayford Stewart to Malcolm Alexander Rounds Stewart, Jr.; Frances Burke Goldstein to Frances Burke Gibson; Edward Goldstein to Edward Gibson; Nancy Ann Merrill to Nancy Ann Palm; Veronica D. Foley to Veronica D. Turley; Norman Edward Gonyer to Norman Edward Boucher; Rita L. Mack to Riva L. Mack; Jennie M. Moscardini to Jennie M. Cook; Edith S. Conley to

Edith S. Johnson; Caroline Muriel Beckman to Muriel Caroline Beckman; William R. Smith to William Russell Downing; Lillian May Hodgson to Lillian May Smith; Marshall Locke to Marshall Ernest Locke; Philip Edward Tousignant to Philip Edward Dalton; John Paul Cranston to John Paul Bickford; Shoyloma Zulman Clevenson to Sam Solomon Clevenson; Edwin Michael Hodgson to Edwin Michael Darling; Wilfred Rouleau to Wilfred Plante.

Changed by Adoption: Lionel Raymond Valliere to Lionel Raymond Valliere; George Theodore Valliere to George Theodore Valliere; Richard Altomare to Kerrith Haddon King; Patricia Ann Avery to Patricia Ann Swain; Walter Everett Varney, Jr. to Walter Everett Varney Perkins; Mary Jane Seavey to Mary Jane Whitney; . . . . . Grimstone to Mary Ann Winkler; John Edmund Quinlan to John Edmund Hubbard; Ermus Fred Varney to Ermus Fred Ellis; Patricia A. Huckins to Sally Sue Sargent; Alfreda Alice Marden to Aldreda Alice Marden; Robert Lee Hobart to Robert Harry Avery; Mary Jane Rae to Mary Jane Haddock.

CARROLL COUNTY: Arthur Romeo Moore to Arthur Romeo Jette; Grafton Ralph Ward to Grafton Ralph Colbert; Bernard G. Tutt to Bernard Gunison Dudley Tutt; Helen Janet Steves to Sally Steves Davis; Addie B. Smith to Addie B. Hayes; Arthur J. Smith to Arthur J. Daurie; Roger Jackson to Roger Jackson Whittier; John Carpenter to John Gilman Carpenter; Rupert Clifford Hodgdon to Rupert Clifford Jones; Vernon Thomas Hodgdon to Vernon Thomas Jones; Mildred M. Drew to Madlyn Mildred Hoyt; Roland D. Emerson to Roland Dinsmore Dow; Georgette Hale to Georgette Percot; Henry J. Chandler, Jr. to Henry Archibald Meader; Leonard Ernest Demers to Leonard Ernest Charles; Kenneth Paige to Robert Kenneth Paige.

MERRIMACK COUNTY—Walter Flanders Hunt to Francis Perley Hunt; Fred Arthur Paige to Fred Arthur Bailey; Hazel Billings Wheeler to Hazel Billings; Alice Bolkis to Alice Thompson; Beatrice Minnon to Beatrice Beaupre; Susan E. Huse to Elma S. Huse; Donald Day to Donald Riel; Nathan Edward Eastman to Nathan Currier Eastman; Kenneth Herman Juringius to Kenneth Herman Sheard; Rudolph Knoetzsch to Rudolph Knoetzsch Roody; Roger Pelletier to Roger Boudreau; Felicia Gertrude Knoetzsch to Felicia

Gertrude Roody; Patricia Caroline Knoetzsch to Patricia Caroline Roody; Bertha L. Gaskell to Bertha G. Corser; George Calnan to George William Hall; Cora Alice Leo to Cora Alice Flynn; Aarne Jacob Wahamaki to Aarne Jacob Mackey; Doris P. Wahamaki to Doris Priscilla Mackey; Leonard J. Florence to Leonard J. Gray; Bernard Francis Sweeney, Jr. to Lance Douglas Sweeney; Basilios Tsekares to William Nichols Talmers; Ike Couffman to Isaac Kauffman; Harry B. Cohen to Hank B. Cains; Lewis M. Cohen to Lewis M. Cains; Rose L. Cohen to Rose L. Cains; Warren Harding Ginniss to Warren Harding Spofford; Carol Eugene Nudd to Carol Eugene Brown; Robert Louis Nudd to Robert L. Brown; Josiah Vose Fisher to Josiah Howe Vose Fisher; Joan Alice Lamora to Joan Alice Woodbury; Fred Charette to Fred Carter; Arthur Forger to Arthur Leonard Newton; Lloyd Allison Wescom to Lloyd Allison Moulton; Martha L. Fretwell to Martha L. Morrill; Joseph Odilon Patoine to Joseph Odilon Desrosiers; Bessie E. Abruzzese to Bessie E. Simonella.

Changed by Adoption: Donald Alan Locke to Donald Alan Joy; Robert Bruce Hill to Robert Bruce Davis; Christine June Marcotte to Christine June Lewis; Pauline Patten to Pauline Dame; "Baby" Blackwell to Hugh Graham Cameron; David Roland Canfield to Stanley Philip Purtell; John Hart to John Joseph Bundy; Elizabeth Katherine Schriver to Elizabeth Katherine James; Tresa May Welch to Tresa May Foote; Robert William Welch to Robert William Foote; Elizabeth Rae Flint to Beverly Jane Howland; Robert Bruce McNulty to Richard Paul Paveglio; Edmond J. Poire to Edmond J. Guay; Robert J. Poire to Robert J. Guay; Madeline May Laro to Madeline May Kelley; Sterling Victor Warren to Sterling Victor Blakeley; Mervin Dale Crommett to Mervin Dale Perkins; Constance Alger to Constance Alger Duclos; Ruth Miriam Olkonen to Ruth Miriam Paakkari; Jeffrey Pillsbury to Walter Robert Clark; Pamela Jean Scanlin to Margot Gibson Adams; "Baby" Potter to David Eugene Welch; Annabell E. Brideau to Annabell E. Demars; Barbara Florence Senise to Barbara Jean Moore; Patricia Duff to Patricia C. Partridge; Claire Lucille Fanny to Claire Lucille Labonte; Judith Merle McIntosh to Judith Merle Genest; Jean Demers (Fowler) to Jean Newell; Leo Norman Demers (Fowler) to

David Parmenter Newell; Bruce Richard Doughty to David James Doughty; Judith Barbara to Judith Barbara San Antonio.

HILLSBOROUGH COUNTY—Lawrence Verheyen to Andrew Lawrence Walsh; Annette Canane to Annette Rzeznikiewicz; Arnold Levine to Arnold Grevior; George Vlahopoulos to George Baroody; Ptefanos Vlahopoulos to John J. Baroody; Necolai Telicza to Joseph M. Tayloff; Malcolm Tibbetts to Joseph Malcolm Springfield; William Anderson Emmons to William Anderson Coleman; Roger Jackson Emmons to Roger Jackson Coleman; Victor Pappacostas to Victor P. Costa; Leo Francis Lariviere to Leo Francis Dubois; Alfred Gaudiase Leclair to Elzear Gaudiase Francoeur; Antonio Argeropoulos to William Hector Rouleau; Marguerite Prior to Marguerite Dunne; Ethel Frost Woods to Ethelyn Neal Frost; Mary Evelyn Dennis to Mary Evelyn Sullivan; Andrew Muckuskie to Andrew McCuskey; Chester Muckuskie to Chester McKuskie; Wanda Muckuskie to Wanda McKuskie; Josephine Makowska to Josephine McKuskie; Adella Blazejewicz to Adella Sedlewicz; Lucille G. Owen to Lucille G. Lavigne; Waslow Walentukevich to Walter Walent; Julius Kvaraceis to Julius Corosa; Joseph Aime Marcel Cormier to Ralph A. Cormier; Marguerite G. Murray to Marguerite G. LaBounty; Wasyl Szewczynszyn to Charles Szewcyk; Mildred Isabelle Van Duyne to Lynn Mildred Van Duyne; Edward Zbierski to Edward A. Comstock; Amber Chase Buholz to Amber Chase; Leo George Perras to Leo Arthur Perry; Joseph Eugene Maurice Gamelin to Joseph Eugene Maurice Lesieur; Agatha Miliauskas to Agnes Mills; Stedman Bradley Breed to Stedman Bradley Fottler; Charles Stanley Sakowich to Charles Stanley Stack; Siefar Bartosewie to Siefar Bortas; Stanislaw Kucharczyk to Stanley Ludwig Baker; Martha Emma White to Mattie E. Blood; Leo E. Bresse to Leonard E. Howard; Ronald Eugene Otis to Ronald Eugene Farland; Allen Wesley Sanders to Allan Griffith Saunders; George Perley Dow to Perley Doddridge Dow; Norma Nichols to Norma Willette; Elia Robino-vitz to Elias Robbins; Helen Frances Blixt to Helen Frances Brown; Jane Daniels to Jane Doris Wheeler; Mary Limbourg to Mary Lynbourg; William Limbourg to William Lynbourg; Joseph Swiesz to Joseph Swiss; Anton Milasiewicz to Antanas Milas; Grace I. Bjurling to Grace I. Burling; Elmer Robert

Bjurling to Elmer Robert Burling; Harriet E. Byam to Harriet Ellen Bryer; Elise Lehmann to Elise Lehmann Coppez; John Anthony Siedlewicz to John Anthony Sullivan; Everett Harrison Barnes to Alfred Dexter Barnes.

Changed by Adoption: Richard J. Flower to Richard J. Lamy; Thomas Psaltis to Thomas Lucas; Theoharis Psaltis to Harry Lucas; Margaret Mary McKenna to Janet Margaret Cloutier; Lorraine Cecile Desrosiers to Lorraine Patricia Lamothe; Baby Plowright to Nancy Porst Arthur; Rita Dorris to Helen Bachakouchos; Daniel Lee Patenaude to Daniel Lee Covill; Norrinne Teresa Sullivan to Norinne Teresa Crowley; Jean Murray to Mary Jeanne Ouelette; Judith Carrol Withstandley to Judith Carol Nahil; Baby Carpenter to Merton Don Fletcher; Carol Anne Boisvert to Carole Anne Tarullo; Arthur Sawyer to Paul Duffy; Baby Carpenter to Richard Allen Schneider; Joseph Albert Cloutier to Joseph Albert Zink; Alice Beatrice Cloutier to Alice Beatrice Zink; Frank Edward Boynton to Frank Eric Pfefferkorn; Carol Ann Bach to Marie Claire Elaine Caron; Philip Gagnon to Philip Joseph Forrest; Joseph Plantier to Joseph Alphonse Levasseur; Edward Francis Bernard to Richard Evariste Pinard; Patricia Ann Duncan to Patricia Ann Desruisseau; Pauline Joan Leclair to Pauline Joan Lemay; Priscilla Ernestine Goodwin to Priscilla Ernestine Cheney; John Francis Hardy to John Francis Balban; Inis Margaret Hardy to Inis Margaret Balban; Baby Foster to Kathryn Ann Hastedt; Lucie R. Boulanger to Lucie R. Martin; Larry Grant Knapp to Larry Grant MacDougall; Baby McCarthy to Martha Weston Hammond; Margaret Doris Lavallee to Margaret Doris Rioux; Mary Edith Mabry to Mary Edith Sawyer; Marion Ellen Hallstrom to Marion Ellen Rogler; Helen Maloney to Paula Jane Bozek; Marie Lillian Houston to Barbara Marie Hays; Baby Blidberg to Barrett Calvin Leete; Catherine Verge to Catherine Bellefeuille; Karlene Ann Woods to Constance Ann Bilodeau; Dorothy Jane Guilmette to Dorothy Jane Lawrence; Helen Joan Newcombe to Helen Joan Mizo; Robert L. Connelly to Millard Herbert Edwards; Suzanne Lucille Cutter to Barbara Richards; Mary Roberta Trudeau to Patricia Ann Gibbons; Carol Hickson Donelan to Carole Gertrude White; Albert William Briggs to Samuel Adrien Flanders; Paul Francis Beals to Paul Francis Freeman; Baby Kimball to

Gregory Lawrence Cardinal; Baby McCarthy to Wanda Ann Boynton; Roland Joseph Poehlman to Roland Joseph Guillemette; Annie MacArthur, nee Baxter Archambeault to Annie MacArthur; Yvonne Rivard to Yvonne Loraine Beland; Sherman E. Starkweather to Richard Henry Cox; Emma Rose Belanger to Eva Ouellette; Pauline Proulx to Pauline Gage; Baby Norris to Robert Martin Wheeler; Jeanne D'Arc Proulx to Jeanne D'Arc Carrier; Geraldine Mary Jordan to Geraldine Mary McRae; Leslie Walker to Leslie Byron Nichols; Beryle Arlene Allen to Beryle Arlene Rowell; Robert Bernard Cormier to Robert Richard Ranalli; Margaret Mary Harte to Brenda Kelley; Norman Erene Paquette to Norman Erene Lefebvre; Robert Allen Sterner to Robert William LaPierre; Carol Anne Carrion to Vera Elizabeth Gove; Joseph Richard Roland Beliveau to Joseph Richard Ronald Tremblay; Jean Phyllis Calhoun to Jean Phyllis Wagner; Isabelle Pailloucq to Isabel Robbins; Jean Pailloucq to Jean Robbins; Paul Ioshpa to Paul Robbins; Alfred Lemire to Alfred Albert Boulay; Steven Robert Abbott to Steven Robert Moody; Mary Lucy Alice Pickard to Mary Lucy Alice Bolduc; Marcelle Alice Robichaud to Marcelle Alice Letourneau; Stephen Loisel to Stephen Connell; Helen Marguerite Andrews to Helen Marguerite Foskett; Donald Leazott to Donald Read; Arlene Frances Monaco to Arlene Frances Smith; Natalie Francelia Winslow to Natalie Francelia Glines; Robert Veroneau to Gilbert Robert Boilard; Michael R. Guimont to Michael R. Binette; Jacqueline Ellen Decosse to Jacqueline Ellen Lovering; Shirley Morrison to Shirley Ann Gould; Barbara Louise Bartrum to Barbara Louise Tayloff; William John Novick to William John Jackson; Shirley Lagasse to Shirley Morissette; George Peterson to George Miller; Edith Smith to Oxley Doreen Elizabeth; Grace Bradis to Marlene Mullen.

CHESHIRE COUNTY—Frances O. Flagg to Frances Odell Clark; Charles Babcock Caldwell to William Allen Caldwell; Harry Lewis Bedaw to Barry Lewis Bedaw; Leroy L. Parkhurst to Leroy L. White; Edward Miller Emmes to Edward Clifton Derby; Francis X. Curtin to Francis X. Watterson; Joyce Ann Richer to Joyce Anne Desrosiers; Mary Alice Willard to Mary Alice Bouvier; Irene Joan Roy to Irene Joan Dunn; Ralph Wallace Calkins to Ralph Wallace Britton; Frederick Palmer to Kenneth Clifford Foote; Evon Alice Ber-

thiaume to Yvonne Alice Georgette Berthiaume; Patricia Johnson to Patricia Morley; Annie S. Mallila to Annie S. Lampinen; Barbara Louise Cyr to Barbara Louise Whitcomb; Edward Franklin Delory to Edward Franklin Cornwell; Bertha Delory to Bertha Cornwell; Edward Franklin Delory, Jr. to Edward Franklin Cornwell, Jr.; Paul Edwin Delory to Paul Edwin Cornwell; Mary Ellen Knapp Delory to Mary Ellen Cornwell; Baby Rosen to Carolyn W. Sleeper; Leland James Larrabee to Stanley Hiland Ring; Robert Charles Amsterdam to Robert Charles Keddie; Merritt Giffin Dana to Marshall Merritt Dana; Olive H. Bryant to Olive A. Hunt; James L. Fay to Henry W. Fay; Paulina Anthanetta Holbrook to Paulina Anthanetta Lambert; Marilyn Ann Cutter to Marjorie Jane Scott; Walter Randall to Don Walter Randall; Baby Clark to Ward Fletcher Archer; Ronald Frank Cutter to Ronald Frank Reed; Elbra E. Fogg to Elbra E. Lamb; Marilyn Lois Simonds to Marilyn Lois Hudson; Mildred Smith to Judith Ann Mack; Arthur Philip Pelton to Arthur Philip Maki; Joseph Stanley McCormick to Joseph Stanley Christian; Edward Croteau to Edward Martin; Zoe Stamopoulos to Zoe Vrakatitsis; Dianne Fulton to Dianne Wilcox; Virginia Haigney to Merry Beth Russell; Sylvia Denise Kingsbury to Sylvia Denise Montgomery; Carol Dinane Record to Carolyn Dinane Carter; Ronald David Cole to Ronald David Tous-saint; John Krystopowicz to John Kristof; Larry Edward Eastman to Larry Edward Anderson; Baby Merrifield to Sandra Gerda Johnson; Etta L. Allen to Etta A. Lewis; Bernice Flora Pollard to Bernice Flora Tredo; Joseph Kubosky to Joseph Cook; Esther Kubosky to Esther L. Cook; Richard Kubosky to Richard Litchfield Cook; Murray John Patnode to Murray John Burt; Robert Deruisseau to Robert Joseph Collier; Allen to Dana Kinsman Foote; Theodore Frank Chabot to Theodore Frank Sheppard; Tony Salitski to Tony Seliskey; Helena Chensky to Helen Seliskey; John Saliskey to John Seliskey.

Changed by Adoption—Margaret Ann Woods to Margaret Ann Woods; Edward Joseph Gilbert to Edward Joseph Gilbert.

SULLIVAN COUNTY—Barbara Marie McGuire Fitts to Barbara Marie Fitts; Jennie M. Erskine to Jennie M. Dearborn; Patricia Faith Jennison to Patricia Faith Smith; Ellen Ann

Jenkerson to Ellen Ann Streeter; Harry Lloyd Jenkerson to Harry Lloyd Streeter; Jeanne Ann Rollins to Jeanne Ann Nutting; Leo Serbian to Leo Dufferin; Barbara Anne Page to Barbara Anne Selmi; Normand C. Judd to Normand C. Brassaw; Ernest J. Babeux to Ernest J. Babbitt; Robert W. Barry to Robert Francis King; Fiorentino Marro to Rendy Michael Marro; Joseph Bordan Peterson to Joseph Bert Peterson; Dorothy D. Young to Dorothy D. Morse; Carole Ida Bythrow to Carole Ida Mardin; William Roach Wirta to William Roach; Shirley Learmouth to Shirley Lucile Caron; Howard Laurence Grenache to Howard Laurence Hutchinson; Edmond Lusier to Herman Lussier; Roberta May King to Roberta May Barker; Elias Ekman to George Eckerman; Julius Martin Stilson to Cecil Stilson; Konrad Anjou Kaukolander to Conrad Starr; Joseph Leo Dwire to Joseph Leo Merrill; Charles L. Lozo to Charles L. Mitchell; Hazel G. Lozo to Hazel G. Mitchell; Annie Mary Lozo to Annie Mary Mitchell; Martha Celina Lozo to Martha Celina Mitchell; Theresa Jane Lozo to Theresa Jane Mitchell; Joseph Omer Rousseau to Joseph Omer Brooks; Mary Alexandra Sakowich to Mary Alexandra Rule; Julius Golofsky to Julius Gold; Charles A. Bouchard to Alfred A. Bouchard; Richard Owen Bythrow to Eugene Mark McGuire; Elfred Michael Fortune to Elfred Michael Otterson; Jairus Hammond Barnes to Jerome Clyde Barnes; Lawrence Barney to Lawrence Guy Dole; Gloria Jeanine Williams to Patricia Perry; George Arlinsky to George Arlin.

GRAFTON COUNTY—Donna Mae Andreason to Norma Elizabeth Ward; Robert Abbott to Charles Richard Dixon; Sandra Beardsell to Carol Jane Funkhouser; Janice Elaine Bilodeau to Janice Elaine Harris; Marion Virginia Bromley to Marion Virginia Holinbrook; Edith Anne Chase to Ann Glazier; Frank Hazen Cook to Frank Hazen Paine; Donald Edward Cross to David Allen Roberts; Leslie Robert Devoe to Robert Lionel Des Roches; Barbara Louis Elliott to Joan Elaine Osgood; Janice May Flanders to Janice May Flanders; Stewart Frank to Richard Rainer; Evelyn Celena Forbes to Judith Lynn Tyler; Mary Louise Goodwin to Mary Louise Goodwin; Dorothy Patricia Gillon to Dorothy Patricia Therrien; Hattie Irene Gilman to Harriett Irene Gilman; John Bruce Henault to John Parker Carr; James G. Haldane to James G. Stiles;



Mary Elaine Harding to Mary Elaine Lee; Charles Lewis Joscelyn, Jr. to Gene Howard Chase; Francis Eugene Kimball to John Osgood Ellis; Arthur Bertrand Knight to Arthur Bertrand Knight, Jr.; Arthur Bertrand Knight Jr. to Arthur Bertrand Knight, 2nd; Mary Jane LaPoint to Denise M. Longchamps; Richard Donald Mowers to Richard Donald Gallagher; Shirley Moulton to Shirley Hill; Alan Beverly Masslick to Alan Herbert; Donald McCabe to Donald Fillion; Fenton D. Moore to Fenton Hurley Bean; David John Napsey to David Clayton Flanders; Isabel Grace Newell to Ruth Ann Clark; Barbara Ann Powell to Barbara Ann Sycamore; Clarence F. Polaski to Clarence Francis Murphy; Nora Ivy Polaski to Nora Ivy Murphy; Ralph Ray Robins to Ralph Ray Streeter; Albert H. Rand to Robert Henry Rand; Charles Stevens to David Charles Capen; Laura Mae Stevens to Cynthia Anne Capen; Mary E. Stevens to Mary Elizabeth Jenkins; Harriet Elsie Burroughs Sherwood to Harriet Elsie Burroughs; Frederick Edward Schneider, Jr. to Frederick Edward Schneider, Jr.; Henry Stanley Stankiewicz to Henry Stanley Smith; James Stanton Walker to Richard Kimball Longchamps; Kathleen May Weller to Kathleen Mae Bronson; Charles Melvin Weed to Charles Melvin Weed Currier; Thedessa Olive Weed to Thedessa Olive Weed Currier; Lloyd R. White, Jr. to Lloyd R. Allen; Jay Field White to Jay Field Allen; Bertha J. Weller to Bertha J. Wiley; Margaret Audrey Whitcomb to Eleanor Arlenza Whitcomb; Marion Arleta Weller to Marion Arleta Fish.

COOS COUNTY—Charlie Haisen to Jacob Charlie Jassop; Pauline La Bell to Pauline L. Keir; Mary Doris Guilmette to Mary Doris Waters; Leroy Llewellyn Mosher to Leroy Llewellyn Hatt; Marie Delia Dennis to Marie Delia Sheehy; Albert Healy to Albert Healy Hickey; Helen Milbury Haley to Helen Milbury; Durward William Warren to Durward William Blair.

Changed by Adoption—Priscilla May Thompson to Priscilla May Gray; Elizabeth Ann Willson to Elizabeth Ann Prevost; George R. Smith, Jr. to George Smith Merrow; Eleanor Cora Glidden to Eleanor Cora Russell; Katherine Linnell to Katherine Dipucchio; Glenarron Delano to Glenarron Anderson; Robert King to Robert Bruce Parker; Patricia Ann Peterson to Patricia Ann Masters; William Dorr to Roy

George Huntoon; Ernest Oscar to Ernest Oscar Dale; Richard Paul Gade to Richard Gade Williams; William Lester Booth to William Lester Terrill; Peter Parent to Guy Wayne Grady; Lucille Doris Merrill to Lucille Doris Filteau; Lillian Mary Napert to Lillian Mary Garon; Ronald D. LaClair to Clayton Ronald Larkin; Dorothea Gagnon to Dorothea Oleson; William Fred Lang to William Frederick Bowin.

From January, 1939 to January, 1941, the registers of probate returned to the secretary of state the following changes of names made by the superior court in divorce proceedings:

ROCKINGHAM COUNTY — Mildred W. Carano to Mildred Webber; Lucy Olive Michie to Lucy Olive Snyder; Alice M. Pratt to Alice M. Gove; Alice M. Rippy to Alice Hanson Markey; Annie T. Roche to Annie T. Fleming; Faoline H. Rylander to Faoline H. Colby; Ruby Marshall Langley to Ruby Marshall; Dorothy A. Merola to Dorothy A. Deroucher; Doris S. Moulton to Doris S. Spackman; Elinor S. Newhall to Elinor S. Piper; Dorothy Bonney Rowe to Dorothy Bonney; Dorothy Dunphy Vanden Molen to Dorothy Dunphy; Carrie Weatherly to Carrie E. Page; Hazel I. Manning to Hazel I. Patch; Martha Jennie Biester to Martha Jennie Whittemore; Ella Amelia Tucker to Ella Amelia Vondal; Hazel M. Buzzell to Hazel M. Butler; Abbie E. Dolton to Abbie E. Kosch; June S. Smith to June Standish Taylor; Elaine J. Gordon to Elaine J. Jordan; Marion F. Wetmore to Marion Flanders; Frances Langdon Bukata to Frances Langdon Henson; Esther Bessie Baker to Esther Bessie Fearer; Florence Hinckley Naylor to Florence Hinckley.

STRAFFORD COUNTY — Mabel Olko to Mabel Brown; Madeline G. Glass to Madeline G. Eastman; Martha David to Martha Costoras; Dorothy L. Webster to Dorothy L. Gilson; Gladys Grace Deal to Gladys Grace Edgerly; Catherine T. Croteau to Catherine T. Crennan; Arlene E. Laverdiere to Arlene E. Knox; Jeannette I. MacDonald to Jeannette Irene Roberts; Beatrice V. Buzzell to Beatrice V. Woodman; Annie B. Kent to Annie B. Maloney; Adelaide C. Van Buskirk to Adelaide C. Janes; Enid H. Cook to Enid H. Hayes; Marion A. Mayott to Marion A. Wyatt; Helen B. Walsh to Helen B. Gagne; Frances L. Spiridondes to Frances L. Richardson;

Marguerite Hildreth Hall to Marguerite M. Hildreth; Annie C. Brassaw to Annie C. Clement; Phyllis D. Braga to Phyllis E. Daggett; Roberta L. Mills to Roberta L. Miles; Helen M. Hanson to Helen Marie Jeneau.

The following names were changed at the time of naturalization: Joao Pereira to John Perry; Joseph Murray Ivanhoe Levesque to Maurice Ivanhoe Levesque; Hagop Garabed Banaian to Jacob Banaian; Cleopatra George Melonous to Clara George Melonous; Marie Leona Belonise Scrosati to Marie Leona Scrosati; Abdo Albert George to Albert George; Elias Shivel to Elias Khoury Hashem; Jan Piecuch to John Piecuch; Alexander Diamonddis to Alexander Diamond; Kyreakos John Pastedenos to Charles John Pastene; Hattie Leona Gravel to Henrietta Leona Gravel; Francois Elzear Pepin to Frank Elzear Pepin; Joseph Ovila Leon Alphonse Ferland to Leonard Joseph Ferland; Tom Joseph Abiseleah to Tom Joseph.

BELKNAP COUNTY — Doris Geddis to Doris Dickson; Dora Mary Drouin to Dora Mary Tardiff; Margaret S. Hall to Margaret S. Taylor; Helen Beatrice Drury to Helen Beatrice Bousquette; Lilla G. Baker to Lilla B. Gould; Shirley M. Granger to Shirley M. Towle; Ludovica L. Schelin to Ludovica L. Williams; Esther K. Maynard to Esther Louise Kelley; Delsie K. Janssen to Delsie Knapp; Eleanor Jordan Crosby to Eleanor Mae Jordan; Lucille Cooney to Lucille C. Hamel.

CARROLL COUNTY—A. Gertrude Emerson to A. Gertrude Sturtevant; Mildred R. Libbey to Mildred Robinson.

MERRIMACK COUNTY — Lillian B. Mattice to Lillian B. Browning; Bernice C. Fillion to Bernice C. Brozeau; Freeda E. Reardon to Freeda E. Whiting; Irene M. Arthur to Irene M. Crowley; Lillian M. Archibald to Lillian Mae Kennedy; Dorothy O'Leary Duval to Dorothy J. O'Leary; Vivian R. Mercier to Vivian R. Vadney; Naomi B. Maltais to Naomi B. Wentworth; Mildred Breen to Mildred Chaput; Madeline L. Schott to Madeline Ellis; Elizabeth P. Bushey to Elizabeth Kimball Prescott; Ida Alice Beauley to Ida Alice Blodgett; Grace B. Decrow to Grace B. Smith; June O. Milligan to June Carol Orr; Lucy A. Buzzell to Lucy Airetta Cole; Thelma Leighton Schoch to Thelma Leighton; Olive N. Emerson to Olive Nettie Corey; Florence C. Young to Florence Dorothy

Corriveau; Virginia M. Taylor to Virginia May Rines; Mildred E. Lindemulder to Mildred Denton; Bernice R. Daley to Bernice Ruth Young.

HILLSBOROUGH COUNTY—Goldie Geraldine Wiggins to Goldie Geraldine Soper; Eleanor W. Harrington to Eleanor W. Welch; Mary V. Gaskin to Mary V. Conley; Barbara G. Adams to Barbara G. Davis; May Pearson Pierce to May Pearson; Violet Ledoux Hoyt to Violet Ledoux; Rose D. Dodge to Rose Delia Bunton; Irene Peabody to Irene Lord; Frances Olive Howard to Frances Olive Mullikin; Thelma H. Teuber to Thelma Ham; Margaret Barrett Gourdeau to Margaret Barrett; Ethel A. Duddy to Ethel A. Keefe; Theresa C. Carrick to Theresa Joziatis; Elsie Keefe to Elsie Flanders; Pauline Lucille Fairfield to Pauline Lucille MacCormack; Estelle Durand to Estelle Rzeznikiewicz; Helga Warren to Helga Hutz Adams; Esther L. Bridgess to Esther L. Pitcher; Gertrude Marie Havey to Gertrude Marie Gauthier; Yvonne Hatch to Yvonne Lemay; Dorothy Gedenberg to Dorothy McKelvey; Marion M. Carrier to Marion Myrtle Cushing; Margaret F. Popple to Margaret B. Flagg; Rose Baron to Rose Chartier; Simone Olena to Simone Metropolis; Gene Nelson Atwood Cassidy to Gene Nelson Atwood; Ruth A. P. Kelley to Ruth A. P. Worthen; Lyn Allen to Lyn Brown; Ruth Hall Manolesco to Ruth Hall; Katherine M. Paquette to Katherine M. Healy; Jennie V. Jensen to Jennie Marie Valliere; Alice M. Spinks to Alice H. Murphy; Bernice Soter to Bernice Lucien; Irene Moore to Irene Camelbeek; Orma W. Fisher to Orma W. Wheaton; Lucille Billman to Lucille Dane; Elsie Hardman to Elsie Thompson; Caroline Sherburne to Caroline Mazur; Constance Fiske to Constance Smart; Vera E. Soucy to Vera E. George; Valida Girouard to Valida Bellefleur; Flora Mae Anctil to Flora Mae Belanger; Violet Larouche to Violet Anderson; Ruth Mason Kelley to Ruth Mason; Dorothy Evelyn Hunt Callahan to Dorothy Evelyn Hunt; Ella I. George to Ella I. Putnam; Doris Freeloove Perdue to Doris Freeloove Melcher; Beatrice O. Maybay to Beatrice Ora Denoncourt; Blanche A. Lajoie to Blanche A. Desjardins.

CHESHIRE COUNTY—Nora Capen Wilson to Nora L. Capen; Eva Mary Lawrence to Eva Mary Desmarais; Elsie C. Wes-

come to Elsie Clara Lounder; Hazel M. Sprague Warn to Hazel M. Sprague; Mae D. Naromore to Mae D. Miner; Laura E. G. Lane to Laura E. Gauthier; Bertha Alice Conant to Bertha Alice Taylor; Mildred LaBombard Little to Mildred Marion LaBombard; Edith G. Champney to Edith G. Mathews; Mary Estey to Mary Eleanor Connor; Gladys May Baronoski to Gladys May Robb; Mary M. Underwood to Mary Marnell; Addie C. Wilbur to Addie H. Carter; Matilda A. Whitcomb to Matilda A. Hinds; Ruth P. Hoffman Rue to Ruth Phyllis Hoffman; Lois Lodelle Wojchick to Lois Lodelle Smart.

SULLIVAN COUNTY—Nellie W. Burns to Nellie W. Hanley; Marion A. Pariseau to Marion A. Honny; Cora Lalibertee to Cora Roberts; Myrtle A. Chapman to Myrtle A. Yetman; Frances L. Dane to Frances L. Tulin; Ruby Kendall Hemphill to Ruby Kendall; Ruth E. Cassavaugh to Ruth E. Pettengill; Margaret V. Pariseau to Margaret V. MacIntyre; Hazel Lord Burns to Hazel Lord; Helene B. Light to Helene C. Baird; Celia B. Matson to Celia Bruce; Julie Eva Morse to Julie Eva Short; Virginia Ruuskanen to Virginia Taimi; Ada B. Maxfield to Ada B. Calkins.

GRAFTON COUNTY—Eva Newell Schuck to Eva Newell; Eloise L. Delsanter to Eloise L. Marcus; Marguerite Sweet Wolfsohn to Marguerite Sweet; Madeline C. Boyd to Madeline C. McCue; Lila G. Neitz to Lila S. Goodwin; Alice Farr to Alice A. LaBombard; Marion Hoyt Mickelboro to Marion Hoyt; Mattie S. Cram to Mattie S. Dunham; Margot R. St. Lawrence to Margot Averill Robie; Jessie S. Woodman to Jessie N. Saulnier; June E. Brooker to June Esmar Stevens; Rita J. Dow to Rita Janet Somers; Evelyn D. Towne to Evelyn D. Grapes; Elizabeth B. Cutler to Elizabeth Kenny; Bertha L. Vaughn to Bertha L. Schrafft; Monica M. Valley to Monica M. Houghton; Margaret I. Lee to Margaret I. Moran; Lois G. Guernsey to Lois G. Gibbs; Doris D. Kebrich to Doris Doll; June P. York to June Pounder; Margaret E. Bowman to Margaret E. Cotnoir; June P. Enos to June P. Young.

COOS COUNTY—Laura R. Hunter to Laura R. Hafford; Claire H. Balko to Claire H. LePage; Ethel Foster Hurd to Ethel Foster; Shirley R. Sawyer to Shirley R. Bryan; Geraldine G. Wiswell to Geraldine G. Belville; Agatha Robert to Agatha McKenna.

# PRIVATE ACTS

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## CHAPTER 258.

AN ACT LEGALIZING THE NOVEMBER, 1940, ELECTION IN THE TOWN OF WILTON.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1. Proceedings Legalized.** The votes and proceedings at the biennial election of the town of Wilton, held on the twelfth [fifth] day of November, 1940, are hereby legalized, ratified and confirmed.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved January 14, 1941.]

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## CHAPTER 259.

AN ACT AUTHORIZING THE TOWN OF CANDIA TO ISSUE REFUNDING NOTES OR BONDS.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1. Authorization.** The town of Candia is hereby authorized to issue its serial notes or bonds to an amount not exceeding ten thousand dollars (\$10,000) for the purpose of refunding outstanding indebtedness. Said serial notes or bonds shall be signed by the selectmen and countersigned by the treasurer.

**2. Terms.** Said issue of said serial notes or bonds shall be due and payable at such times, not more than twenty years from their date of issue, in such amounts and in such manner, as the board of selectmen and treasurer of said town may determine, at a rate of interest to be fixed by said board.

**3. Proceedings Legalized.** The proceedings of the adjourned town meeting held in said Candia on May 15, 1940, so far as they relate to the appropriations for the purposes set

forth in section 1 and the issuance of notes or bonds in pursuance thereof are hereby legalized, ratified and confirmed, and made as effective as if such proceedings were taken after the passage of this act.

**4. Application of General Laws.** Except as otherwise provided in this act, the provisions of chapter 59 of the Public Laws shall apply to the serial notes or bonds herein authorized.

**5. Takes Effect.** This act shall take effect upon its passage.

[Approved January 30, 1941.]

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## CHAPTER 260.

### AN ACT VALIDATING A MEETING OF THE COOS COUNTY CONVENTION.

*Be it enacted by the Senate and House of Representatives in  
General Court convened:*

**1. Meeting Validated.** The meeting of the county convention of Coos county held January 16, 1941, is hereby validated notwithstanding any irregularity in the calling or holding thereof.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved January 30, 1941.]

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## CHAPTER 261.

### AN ACT LEGALIZING THE NOVEMBER, 1940, ELECTION IN THE TOWN OF BRENTWOOD.

*Be it enacted by the Senate and House of Representatives in  
General Court convened:*

**1. Proceedings Legalized.** The votes and proceedings at the biennial election of the town of Brentwood, held on the fifth day of November, 1940, are hereby legalized, ratified and confirmed.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved February 11, 1941.]

## CHAPTER 262.

AN ACT LEGALIZING THE 1940 BIENNIAL ELECTION IN THE TOWN OF GILMANTON.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1. Proceedings Legalized.** The votes and proceedings at the biennial election of the town of Gilmanton, held on the fifth day of November, 1940, are hereby legalized, ratified and confirmed.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved February 11, 1941.]

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## CHAPTER 263.

AN ACT LEGALIZING THE BIENNIAL NOVEMBER, 1940, ELECTION IN THE TOWN OF DERRY.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1. Proceedings Legalized.** The votes and proceedings at the biennial election of the town of Derry, held on the fifth day of November, 1940, are hereby legalized, ratified and confirmed.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved February 11, 1941.]

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## CHAPTER 264.

AN ACT LEGALIZING THE NOVEMBER ELECTION IN THE TOWN OF FREMONT.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1. Proceedings Legalized.** The votes and proceedings of the biennial election held on the fifth day of November, 1940, in the town of Fremont are hereby legalized, ratified and confirmed.



**2. Takes Effect.** This act shall take effect upon its passage.

[Approved February 12, 1941.]

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## CHAPTER 265.

AN ACT TO AMEND THE CHARTER OF THE CITY OF LACONIA AND  
PROVIDE FOR BIENNIAL ELECTIONS.

*Be it enacted by the Senate and House of Representatives in  
General Court convened:*

**1. Biennial Elections.** Amend section 12 of chapter 241 of the Laws of 1893 by striking out the whole and inserting in place thereof the following: **Sect. 12.** Biennial meetings of the inhabitants of said city shall be held in the several wards on the second Tuesday of March, beginning March 11, 1941, for the choice of all such city, ward and school officers, except moderators, ward clerks and supervisors, as are elected by the people. Their election shall be by ballot, and the terms of their respective offices shall commence on the fourth Tuesday of March following such election.

**2. Selectmen.** Amend section 13 of chapter 241 of the Laws of 1893 by striking out the whole thereof and by inserting in place thereof the following: **Sect. 13.** At the first election under this act a moderator and ward clerk shall be chosen, by and from the qualified voters of each ward, who shall hold their respective offices until the close of the biennial election in November, 1894; and thereafter, at each state biennial election, a moderator and ward clerk shall be chosen, by and from the qualified voters of each ward, who shall hold their respective offices for the term of two years. The members of the present board of selectmen in each ward shall continue in office until their respective terms expire or until their successors are chosen and qualified. At the biennial meeting in 1941 there shall be chosen by and from the qualified voters of each ward one selectman to serve for the term of four years; at the biennial meeting in 1943 there shall be chosen by and from the qualified voters of each ward one selectman to serve for the term of four years, and one selectman to serve for the term of six years; and at each biennial meeting there-

after one selectman shall be chosen by and from the qualified voters of each ward to serve for the term of six years each. All vacancies in the office of moderator, ward clerk or selectman shall be filled by the city council.

**3. Mayor.** Amend section 14 of chapter 241 of the Laws of 1893 by striking out the word "annually" in the first line and inserting in place thereof the word, biennially, and by striking out the word "three" in the tenth line and inserting in place thereof the word, five, so that said section as amended shall read as follows: **Sect. 14.** The mayor of said city shall be chosen biennially, and shall have the same negative upon all the actions of the council as by the public statutes the mayors of cities are given upon the action of aldermen. He shall preside in the meetings of the city council, but shall have no vote except in case of an equal division. In his absence the council may elect one of their number chairman, who shall have all the powers and perform all the duties of mayor during his absence or disability, or during a vacancy in said office from any cause. The mayor shall receive in full for his services an annual salary of five hundred dollars, payable semi-annually, which shall be in full for all services of every kind rendered by him in said office.

**4. Councilmen.** Amend section 15 of chapter 241 of the Laws of 1893 as amended by section 3, chapter 200, Laws of 1901, chapter 192, Laws of 1903, section 3, chapter 213, Laws of 1903, and section 2 of chapter 291 of the Laws of 1911 by striking out all of said section and inserting in place thereof the following: **Sect. 15.** There shall be chosen biennially by and from the qualified voters of each of the several wards of said city one councilman to serve for the term of two years.

**5. City Clerk.** Amend section 17 of chapter 241 of the Laws of 1893, as amended by chapter 316, Laws of 1917, chapter 271, Laws of 1921, and chapter 281, Laws of 1931, by striking out the words "first meeting May 3, 1893," and inserting in place thereof the words, meeting on March 25, 1941, and by striking out the word "annually" in the second line and inserting in place thereof the word, biennially, so that said section as amended shall read as follows: **Sect. 17.** The mayor and council shall, at their meeting on March 25, 1941, and thereafter biennially, on the fourth Tuesday of

March, meet for the purpose of taking their respective oaths, and shall elect a city clerk, who shall be clerk of the city council and have a salary of three thousand dollars per annum. All fees received by the city clerk shall be turned over by said clerk to the city treasurer for the use of the city of Laconia.

**6. Board of Education.** Amend section 20 of chapter 241 of the Laws of 1893 as amended by section 2 of chapter 282 of the Laws of 1921 by striking out all of said section and by inserting in place thereof the following: **Sect. 20.** The general management and control of the public schools, and of the buildings and property pertaining thereto, shall be vested in a board of education, consisting of six members, elected by the qualified voters of the city. The members of the present board of education shall continue in office until their respective terms expire, or until their successors are elected and qualified. At the biennial meeting in 1941 two members of the board of education shall be elected for the term of four years each; at the biennial meeting in 1943 two members shall be elected for the term of four years each, and two members for the term of six years each; at each biennial meeting thereafter two members shall be elected for a term of six years each. The board of education shall have the power, perform all the duties, and be subject to the liabilities pertaining to school boards of towns, except as otherwise provided by law. All bills, notes and demands made or contracted for school purposes shall be paid from the city treasury. Members of the board of education shall receive such compensation as the city council shall determine.

**7. Takes Effect.** This act shall take effect upon its passage.

[Approved February 20, 1941.]

## CHAPTER 266.

AN ACT AUTHORIZING THE PITTSFIELD SCHOOL DISTRICT IN THE TOWN OF PITTSFIELD TO BORROW MONEY AND TO ISSUE SERIAL BONDS OR NOTES.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1. Authority to Borrow Money.** The Pittsfield School District in the town of Pittsfield is hereby authorized to borrow on its credit a sum not exceeding sixty thousand dollars for the purpose of constructing and equipping a new schoolhouse in said district, and for acquiring necessary real estate therefor.

**2. Bonds or Notes Authorized.** The school board of said district is hereby authorized and empowered to issue for and in behalf of said district serial notes or bonds to the amount of sixty thousand dollars for the purpose of constructing and equipping a schoolhouse in said district, and for acquiring necessary real estate therefor.

**3. Debt Limit.** The debt authorized by this act shall be the limit of bonded indebtedness for said district and shall be exempt from the limitation imposed upon the borrowing capacity of said district by section 7 of chapter 59 of the Public Laws (commissioners' report, chapter 72, section 7).

**4. Application of Laws.** Except as otherwise provided in this act the provision of the Municipal Bonds Statute shall apply to the notes or bonds herein authorized.

**5. Takes Effect.** This act shall take effect upon its passage.

[Approved February 26, 1941.]

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## CHAPTER 267.

AN ACT AUTHORIZING THE TOWN OF SANDOWN TO ISSUE REFUNDING NOTES OR BONDS.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1. Authorization.** The town of Sandown is hereby authorized to issue its serial notes or bonds to an amount not ex-

ceeding seven thousand dollars (\$7,000) for the purpose of refunding outstanding indebtedness. Said serial notes or bonds shall be signed by the selectmen and countersigned by the treasurer.

2. **Term.** Said issue of serial notes or bonds shall be due and payable at such time, not more than fifteen years from their date of issue, and in such amounts, and in such manner as the board of selectmen and treasurer of said town may determine, at a rate of interest to be fixed by said board.

3. **Application of General Law.** Except as otherwise provided in this act, the provisions of chapter 59 of the Public Laws (chapter 72, commissioners' report) shall apply to the serial notes or bonds herein authorized.

4. **Limitation.** The proceeds of the notes or bonds authorized by this act shall be used solely for the payment of outstanding notes given in anticipation of taxes and for the restoration of trust funds.

5. **Takes Effect.** This act shall take effect when its provisions shall have been approved by a majority of those present and voting at the regular or any special meeting of the legal voters of the town of Sandown during the year 1941, the warrant for which shall contain an article calling for the consideration of such approval.

[Approved February 26, 1941.]

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## CHAPTER 268.

### AN ACT TO AMEND THE CHARTER OF COLBY JUNIOR COLLEGE FOR WOMEN.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

1. **Property Authorized.** Amend section 2 of the charter of Colby Junior College for Women, an act approved July 4, 1837, chapter 29 of the Private Acts passed at the June, 1837 session of the General Court, as amended by chapter 1620 of the Laws of 1854, chapter 1741 of the Laws of 1855, chapter 83 of the Laws of 1867, chapter 91 of the Laws of 1875, chapter 134 of the Laws of 1878, chapter 236 of the Laws of 1891, chapter 206 of the Laws of 1903, chapter 327 of the

Laws of 1929, and by chapter 311 of the Laws of 1933, by striking out said section 2 and substituting therefor the following: **Sec. 2.** Be it further enacted, that said corporation may establish an institution in the town of New London in the county of Merrimack for the education and instruction of youth in useful knowledge, may erect, own and maintain suitable buildings therefor, and may hold real and personal estate to an amount not exceeding the sum of two million dollars, and that all gifts, donations, bequests or legacies that may from time to time be given or bequeathed to said institution may be received, held and possessed, or be sold and disposed of by said corporation for the use and benefit of said institution, and the interests, rents, and profits of the same applied by the corporation in such a manner, as will best promote the object of said institution.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved February 27, 1941.]

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## CHAPTER 269.

### AN ACT RELATIVE TO THE DOVER CHILDREN'S HOME.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1. The Dover Children's Home.** Amend section 1 of chapter 267 of the Laws of 1909 by striking out the word "two" in the third line and inserting in place thereof the word, five, so that said section as amended shall read as follows: **Section 1.** The Dover Children's Home, a body corporate, is hereby authorized to hold by gift, grant, bequest, purchase or otherwise real estate and personal property to the amount of five hundred thousand dollars.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved March 4, 1941.]

## CHAPTER 270.

AN ACT TO AMEND THE CHARTER OF THE ELLIOT HOSPITAL OF  
THE CITY OF MANCHESTER.

*Be it enacted by the Senate and House of Representatives in  
General Court convened:*

**1. Elliot Hospital.** Amend chapter 178 of the Laws of 1881, as amended by chapter 309, Laws of 1909, by striking out the whole of section 2 and inserting in place thereof the following: **Sect. 2.** Said corporation is hereby authorized to establish and maintain in the city of Manchester an institution for such nursing, care, support, and medical and surgical treatment of sick and disabled people, as are usually provided and furnished by similar institutions; and for such purposes may acquire and hold by lease, purchase, donation, deed, will, or otherwise, real and personal estate not exceeding in value one million five hundred thousand dollars; and said institution being in the nature of a public charity, its property shall be exempted from taxation.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved March 13, 1941.]

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## CHAPTER 271.

AN ACT TO AMEND THE CHARTER OF MASONIC HOME.

*Be it enacted by the Senate and House of Representatives in  
General Court convened:*

**1. Masonic Home.** Amend chapter 194 of the Laws of 1883 as amended by chapter 151 of the Laws of 1897, chapter 194 of the Laws of 1901, chapter 214 of the Laws of 1909, chapter 323 of the Laws of 1929, and chapter 274 of the Laws of 1935, by striking out the whole of section 4 and inserting in place thereof the following: **Sect. 4.** The officers of this corporation shall be a president, a vice-president, a clerk, a treasurer, with such duties respectively as usually attach to those offices, and a board of sixteen trustees, four of whom shall be the Grand Master, the Deputy Grand Master, the Senior Grand Warden and the Junior Grand Warden of the

Grand Lodge of Free Masons *ex officio*. The Grand Master of the Grand Lodge of Free Masons shall be president *ex officio* of the corporation. Twelve members of the board of trustees shall be elected by the corporation, and shall hold their offices for such time as may be provided for in the by-laws. The board of trustees shall have the management and control of all the affairs of the corporation and shall have and be vested with all its powers. They shall elect annually a chairman, who shall be also the vice-president of the corporation, a clerk, who shall be also the clerk of the corporation, and be sworn to the faithful discharge of his duty, and a treasurer of the corporation, who shall give bond with sufficient sureties to the satisfaction of the board; and all of said elective officers shall continue in office until their successors are chosen and qualified. In case of vacancy, said trustees may at any meeting fill the same, and no officer named in this section shall receive any salary or compensation for any service or duty he may perform.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved March 13, 1941.]

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## CHAPTER 272.

### AN ACT ESTABLISHING THE LACONIA AIRPORT AUTHORITY.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1. Incorporation.** The Laconia Airport Authority, hereinafter referred to as the "Authority," is hereby incorporated as a body politic with the powers and privileges herein provided.

**2. Membership of the Authority.** The mayor of the city of Laconia, the chairman of the commissioners of Belknap county, and the chairman of the board of selectmen of the town of Gilford, *ex officiis*, together with two residents of said Belknap county appointed as hereinafter provided, shall constitute the Authority, and shall be vested with all the powers and charged with all the duties hereinafter granted to and imposed upon said Authority.

**3. Appointive Agency.** The mayor of the city of Laconia, the members of the city council of said Laconia, and the com-



missioners of said Belknap county, hereinafter referred to as the appointive agency, shall, acting as a body over which the said mayor of the city of Laconia shall preside, elect said two other members of the Authority, who shall serve for a term of two years and until their successors are elected, except that at the first election one member shall be elected for the term of one year and one member for the term of two years.

**4. Compensation.** No member of the Authority shall receive from it any compensation for services or reimbursement for expenses.

**5. Vacancies.** Any vacancy which may occur in the membership of the Authority which is not made *ex officio* shall be filled for the remainder of the term in the same manner as is hereinbefore provided for election.

**6. Officers; Action by Majority.** The mayor of said Laconia shall be the chairman of the Authority. The Authority shall elect from its membership a vice chairman, clerk, and treasurer, and prescribe their duties. The treasurer shall be the financial agent of the Authority and shall furnish such bond as the appointive agency shall determine. The concurrence of a majority of the membership of the Authority shall be necessary to constitute action by the Authority.

**7. Establishment and Operation of Airport.** The Authority is hereby authorized to establish and maintain an airport in the town of Gilford, and in connection therewith and as a part thereof to establish and maintain auxiliary landing places and facilities in Belknap county and towns contiguous to Lake Winnepesaukee.

**8. Declaration of Purpose.** The establishment and maintenance of said airport is declared to be for public purposes as an aid to national and state defense and for the convenience of the public, and the Authority shall be regarded as performing a governmental function in carrying out the provisions of this act.

**9. Powers.** The Authority shall have the power:

- (a) To sue and be sued.
- (b) To select and have a seal.
- (c) To adopt by-laws, not inconsistent with this act, for the conduct of its business.

(d) To acquire, hold and dispose of, in any manner, real and personal property deemed necessary or desirable for its purposes.

(e) To construct, maintain, reconstruct, improve, operate and manage said airport.

(f) To accept grants and the cooperation of the United States of America, the state of New Hampshire, or any agencies thereof, in the construction, maintenance, reconstruction, improvement and operation of said airport, and to do any and all things necessary in order to avail itself of such aid and cooperation, and the Authority is specifically authorized to enter into agreements with the federal government and the state of New Hampshire through its various agencies relative to the construction of said airport and its operation after completion.

(g) To prescribe and publish rules and regulations governing the use of said airport.

(h) To levy and collect reasonable fees, not prohibited by law, for use of said airport and its facilities.

(i) To grant leases of the facilities of the airport for reasonable periods of time.

(j) To employ such assistants, agents and servants, professional, technical, or otherwise, as it shall deem necessary or desirable for its purposes, and fix their compensation.

(k) To do all other lawful acts necessary and incidental to the foregoing powers.

**10. Limitation of Powers.** The Authority shall have no power to commit the state of New Hampshire or any of its political subdivisions to any obligation or liability whatsoever, nor shall it have the power to encumber any of its real estate except in pursuance of the Authority contained in section 9 (i).

**11. Exemption from Taxes, Levies, and Executions.** All property and rights acquired by the Authority in the town of Gilford shall be exempt from all taxation. All property of the Authority shall be exempt from attachment, and all of its real property shall be exempt from levy and sale by virtue of any execution.

**12. Revenue.** The net revenue of the Authority shall be held and invested by it for the purpose of the future maintenance, operation and improvement of said airport.

**13. Financial Aid.** The county of Belknap and the cities and towns of said county and those contiguous to Lake Winnepesaukee are authorized to make conveyances and appropriations for the use of the Authority. All contributions and appropriations heretofore made by any of said political subdivisions of the state for the establishment of said airport are hereby ratified.

**14. Audits and Reports.** All financial transactions of the Authority shall be audited annually and at such other times and in such manner as the appointive agency shall determine. The Authority shall make an annual report of its financial and other transactions for the preceding calendar year on or before the first day of February. This report and the report of such audits as shall be made as herein provided shall be filed with the clerk of the superior court for said Belknap county after completion, and shall be open for public inspection.

**15. Penalties.** Any violation of the published rules and regulations of the Authority relating to said airport, and any refusal or neglect to pay lawfully prescribed fees for use of said airport or its facilities, shall be deemed a misdemeanor and shall be punishable by a fine of not exceeding ten dollars, provided, however, that nothing herein contained shall be construed as a limitation upon the civil rights of the Authority.

**16. Separability Clause.** If any provision of this act or the application thereof to any person or circumstance is held invalid, the remainder of the act and application of such provision to other persons or circumstances shall not be affected thereby.

**17. Takes Effect.** This act shall take effect upon its passage.

[Approved March 13, 1941.]

## CHAPTER 273.

### AN ACT RELATING TO THE ELECTION OF OFFICERS OF THE PENACOOK UNION SCHOOL DISTRICT.

*Be it enacted by the Senate and House of Representatives in  
General Court convened:*

**1. Election by Plurality.** For all elections of moderator, clerk, treasurer, and members of the board of education of the Penacook Union School District, a plurality of all the votes cast shall be necessary for election to each office to be filled.

**2. Official Ballot.** For all the elections specified in section 1, the voting shall be by official ballot only. The preparation and form of such ballot and the manner of voting shall be in accordance with the provisions of sections 2, 3 and 4 of chapter 230, Laws of 1927.

**3. Change of Ballot.** The Penacook Union School District, at any annual meeting duly warned for that purpose, by a majority vote of those present and voting, may discontinue the use of the official ballot provided for in section 2 of this act. Thereupon all subsequent elections of officers shall be governed by and held in accordance with the provisions of section 16 and other applicable sections of chapter 120 of the Public Laws.

**4. Takes Effect.** All acts and parts of acts inconsistent with this act shall not apply to the Penacook Union School District, and this act shall take effect upon its passage.

[Approved March 18, 1941.]

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## CHAPTER 274.

### AN ACT RELATIVE TO THE MASCOMA SAVINGS BANK OF LEBANON.

*Be it enacted by the Senate and House of Representatives in  
General Court convened:*

**1. Mascoma Savings Bank.** Amend section 2 of chapter 152 of the Laws of 1899 by striking out in lines four and five of said section the words; "not exceeding five thousand dollars from any one person, corporation, or association," so that said section as amended shall read: **Sect. 2.** Said corporation may receive from any person or persons, corporations,

or associations, disposed to enjoy the advantages of said savings bank, any deposit or deposits of money, subject to the by-laws of said savings bank; and may manage, use, and improve the same for the benefit of the depositors, in such manner as shall be convenient or necessary for the security and profitable investment thereof, under the restrictions of the laws regulating the investment and management of such funds; and all deposits, together with the net income and profits, may be withdrawn at such reasonable times, in such manner and proportions, and subject to such equitable rules and regulations, as said corporation may from time to time by its by-laws prescribe, not incompatible with the laws of the state.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved March 19, 1941.]

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## CHAPTER 275.

AN ACT RELATIVE TO FOREST HILL CEMETERY IN THE TOWN OF CHARLESTOWN.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1. Forest Hill Cemetery.** The town of Charlestown is hereby authorized to use as a public cemetery all the lands in Forest Hill cemetery, as shown by a map of the same prepared by Raymond L. Lunt and Samuel A. Richardson, dated August, 1904. The restrictions as to location of public cemeteries provided for in section 2 of chapter 55 of the Public Laws (section 2, chapter 68, commissioners' report) shall not apply to the said Forest Hill cemetery.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved March 27, 1941.]

## CHAPTER 276.

### AN ACT AUTHORIZING THE TOWN OF OSSIPEE TO ISSUE REFUNDING NOTES OR BONDS.

*Be it enacted by the Senate and House of Representatives in  
General Court convened:*

**1. Authorization.** The town of Ossipee is hereby authorized to issue its serial notes or bonds to an amount not exceeding eighteen thousand dollars (\$18,000) for the purpose of refunding outstanding indebtedness. Said serial notes or bonds shall be signed by the selectmen and countersigned by the treasurer.

**2. Terms.** Said issue of said serial notes or bonds shall be due and payable at such times, not more than ten years from their date of issue, in such amounts and in such manner, as the board of selectmen and treasurer of said town may determine, at a rate of interest to be fixed by said board.

**3. Application of General Laws.** Except as otherwise provided in this act, the provisions of chapter 59 of the Public Laws shall apply to the serial notes or bonds herein authorized.

**4. Takes Effect.** This act shall take effect upon its passage.

[Approved March 27, 1941.]

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## CHAPTER 277.

### AN ACT RELATING TO METHOD OF VOTING AT MUNICIPAL ELECTIONS IN THE CITY OF NASHUA.

*Be it enacted by the Senate and House of Representatives in  
General Court convened:*

**1. Form of Ballots.** Amend section 19 of Part I, chapter 427, Laws of 1913, being the charter of the city of Nashua, by striking out the whole of said section and inserting in place thereof the following: **Sect. 19.** Except that the crosses here shown shall be omitted, and that in place of the names, residences and offices here shown shall be substituted the names and residences of the actual candidates and the offices for which they are respectively nominated, the ballots shall be in substantially the following form:

General (or special) Municipal Election.  
City of Nashua.

(Inserting date thereof.)

Instructions—To vote for any person, make a cross (X) in the square at the right of the name voted for.

If you wrongly mark, tear, or deface this ballot return it and obtain another.

For Mayor	Vote for One (1)	
Richard Roe,	2 A Street	X
James Hoe,	6 F Street	
John Doe,	24 G Street	
Henry Poe,	8 L Street	
Louis Coe,	4 B Street	

For Board of Education	Vote for Four (4)	
Frank Smith,	4 First Street	X
Harry Jones,	6 Second Street	X
Fred Brown,	8 Third Street	X
Hiram Black,	10 Fourth Street	X
Robert White,	5 Sixth Street	
Albert Gray,	7 Eighth Street	
William Green,	9 Ninth Street	
Samuel Hill,	3 Tenth Street	
Enoch Valley,	2 Eleventh Street	
James Dale,	1 Fifth Street	

**2. Ballots Counted.** Amend section 23 of Part I of chapter 427, Laws of 1913, by striking out the whole of said section and inserting in its place the following: **Sect. 23.** As soon as the polls are closed, the ward officers shall immediately open the ballot boxes, take therefrom and count the ballots in public view, and enter the total number thereof on the tally sheet provided therefor by the city clerk. They shall also carefully enter the number of votes for each candidate on said tally sheet and the ballots and tally sheets used at such municipal election shall be sealed up in the manner provided in the case of general biennial elections, and returned within one hour to the city clerk. A return of the result of the vote in each ward for all officers to be chosen at such election, certified by the moderator, shall be made to the city clerk within the same time on blanks provided by him for that purpose; and the city clerk shall immediately record all such returns and the same, together with his record thereof, shall be open to the inspection of any citizen. He shall submit his record of the returns of each municipal election to the board of aldermen, at a meeting to be holden at eight o'clock in the evening on the Tuesday next following such election, and the board of aldermen shall canvass the returns and declare the result. Such declaration shall be duly recorded by the city clerk, and, except as hereinafter provided, shall be conclusive as to the right of the persons declared elected to hold the offices to which they are so declared elected. A plurality of votes shall elect and in case of a tie vote the tie shall be determined by lot under the direction of the city clerk and the person so winning the tie shall be declared elected.

**3. Repeal.** Section 39 of Part I of said chapter of the Laws of 1913, relative to separate ballots for voting for members of the board of education, is hereby repealed.

**4. Takes Effect.** This act shall take effect upon its passage.

[Approved April 8, 1941.]



## CHAPTER 278.

AN ACT RELATING TO NOMINATION OF OFFICERS IN THE CITY OF NASHUA.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1. Charter of the City of Nashua.** Amend section 42 of Part I, chapter 427, Laws of 1913, being the charter of the city of Nashua, by striking out the whole of said section and inserting in place thereof the following: **Sect. 42.** The board of aldermen shall elect by *viva voce* and major vote on roll call a city clerk and overseer of the poor who shall be one and the same person, city treasurer and collector of taxes, who shall be one and the same person, city physician, city solicitor, and board of health. In all other cases offices shall be filled by appointment of the mayor, subject to confirmation by said board, except the city messenger, who shall be chosen and appointed by the mayor, unless otherwise provided for in this charter. All vacancies occurring in such offices shall be filled in the same manner. The time for choosing or appointing all officers to be chosen by the board of aldermen or by the mayor shall be the first secular day of January and such terms of office shall be for two years, or until their respective successors are chosen and qualified. In all cases where salaries or wages for services are paid from the municipal treasury, the compensation shall be determined by the board of aldermen upon recommendation of the several departments, excepting those employed in connection with the schools.

**2. Takes Effect.** This act shall take effect January 1, 1942.

[Approved April 8, 1941.]

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## CHAPTER 279.

AN ACT RELATIVE TO WARD LINES IN THE CITY OF MANCHESTER.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1. City of Manchester.** Amend the paragraph relative to the lines of ward 8, being a part of section 1 of chapter 274

of the Laws of 1915, by striking out said paragraph and inserting in place thereof the following: Ward No. 8 shall include that part of the city bounded by the following described lines: Beginning at the intersection of the center line of Willow street and the center line of Vinton street; thence easterly by the center line of Vinton street to the center line of Wilson street; thence northerly by the center line of Wilson street to the center line of Valley street; thence easterly by the center line of Valley street to the center line of Massabesic street; thence southeasterly by the center line of Massabesic street to the center line of the Mammoth road; thence southerly by the center line of the Mammoth road to the center line of the Island Pond road; thence easterly and southeasterly by the center line of the Island Pond road to the Manchester-Auburn town line; thence southerly by the Manchester-Auburn town line to the Manchester-Londonderry town line; thence westerly by the Manchester-Londonderry town line to the intersection of the Manchester-Londonderry town line and the center line of South Willow street; thence northerly by the center line of South Willow street to the center line of Vinton street.

**2. New Ward Created.** Amend section 1 of said chapter 274 of the Laws of 1915 by adding after the description of the lines of ward 13 the following: Ward No. 14 shall include that part of the city bounded by the following described lines: Beginning at the intersection of the center line of the Merrimack river with the center line of Cove street extended westerly, thence easterly by the center line of Cove street extended and the center line of Cove street to the center line of Elm street; thence southerly by the center line of Elm street to the center line of Hayward street; thence easterly by the center line of Hayward street to the center line of Willow street; thence southerly and southeasterly to the center line of Vinton street; thence southerly and easterly by the center line of Willow street and South Willow street to the Manchester-Londonderry town line; thence westerly by the Manchester-Londonderry town line to the Manchester-Litchfield town line; thence northwesterly by the Manchester-Litchfield town line to the center line of the Merrimack river; thence northerly by the center line of the Merrimack river to the center line of Cove street extended westerly.

**3. Present Officers to Continue in Office.** The ward officers of the former ward 8 shall continue to act as ward officers of ward No. 8 as constituted by this act until their successors are elected and qualified. The board of mayor and aldermen of the said city of Manchester, after the passage of this act shall appoint the necessary ward officers for the conduct of any elections and the government of the newly created ward No. 14 until the next election.

**4. Takes Effect.** This act shall take effect upon its passage.

[Approved April 8, 1941.]

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## CHAPTER 280.

### AN ACT AUTHORIZING THE TOWN OF DEERFIELD TO ISSUE REFUNDING NOTES OR BONDS.

*Be it enacted by the Senate and House of Representatives in  
General Court convened:*

**1. Authorization.** The town of Deerfield is hereby authorized to issue its serial notes or bonds to an amount not exceeding fourteen thousand dollars (\$14,000) for the purpose of refunding outstanding indebtedness of a like amount. Said serial notes or bonds shall be signed by the selectmen and countersigned by the treasurer.

**2. Terms.** Said issue of serial notes or bonds shall be due and payable at such times, not more than fourteen years from their date of issue, and in such amounts, and in such manner as the board of selectmen and treasurer of said town may determine at a rate of interest to be fixed by the board.

**3. Application of General Laws.** Except as otherwise provided in this act the provisions of chapter 59 of the Public Laws shall apply to the serial notes or bonds herein authorized.

**4. Takes Effect.** This act shall take effect upon its passage.

[Approved April 8, 1941.]

## CHAPTER 281.

AN ACT LEGALIZING CERTAIN ACTION TAKEN AT THE ANNUAL TOWN MEETING HELD ON THE ELEVENTH DAY OF MARCH, 1941, IN THE TOWN OF ENFIELD.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1. Town Meeting Action Legalized.** The votes and proceedings taken at the annual town meeting held on the eleventh day of March, 1941, in the town of Enfield whereby the selectmen of said town were authorized to borrow money in anticipation of taxes are hereby legalized, ratified, and confirmed.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved April 8, 1941.]

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## CHAPTER 282.

AN ACT AUTHORIZING THE MILAN SCHOOL DISTRICT IN THE TOWN OF MILAN TO ISSUE NOTES OR BONDS AND LEGALIZING A MEETING OF THE MILAN SCHOOL DISTRICT.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1. Authorization.** The Milan School District in the town of Milan is hereby authorized to issue serial notes or bonds to an amount not exceeding twenty-five thousand dollars (\$25,000) for the purpose of acquiring land and constructing and equipping a new school house. Said notes or bonds shall be signed by the school board, or a majority thereof, and countersigned by the treasurer.

**2. Terms.** Said issue of serial notes or bonds shall be due and payable at such times, not more than twenty years from the date of issue, in such amounts, and in such manner, as the school board of said district may determine and at a rate of interest to be fixed by said board.

**3. Application of General Laws.** Except as otherwise provided herein the provisions of chapter 59 of the Public Laws

(chapter 72, commissioners' report) shall apply to the notes or bonds herein authorized.

**4. Proceedings Legalized.** The proceedings and votes of the annual meeting of the Milan School District held in said Milan on March 11, 1941, are hereby legalized, ratified and confirmed so far as they relate to the appropriation and issuance of serial notes or bonds for the purposes set forth in section 1.

**5. Takes Effect.** This act shall take effect upon its passage.

[Approved April 8, 1941.]

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### CHAPTER 283.

#### AN ACT RELATIVE TO SESSIONS FOR REGISTRARS OF VOTERS IN THE CITY OF PORTSMOUTH.

*Be it enacted by the Senate and House of Representatives in  
General Court convened:*

**1. Portsmouth Registrars of Voters.** Amend section 5 of chapter 241 of the Laws of 1909, as amended by chapter 315, Laws of 1933, by striking out the words "from eight o'clock until twelve o'clock noon" in the fourteenth and fifteenth lines and inserting in place thereof the words, during all the time the polls are open, so that said section as amended shall read as follows: **Sect. 5.** Said board of registrars shall be in session at the city hall, or such other place as they may designate, for the purpose of revising and correcting the list of voters, during six days at least before the biennial state election and three days before other elections, within one month next preceding the day of election, the last two sessions to be held within two weeks of said election. Said sessions shall continue from nine o'clock to twelve o'clock noon, from two o'clock to five o'clock in the afternoon and from half past seven to half past nine in the evening on each of said days; the times and places of said meetings to be advertised in at least two newspapers published in Portsmouth for at least three days prior to the first meeting. Said board shall be in session on election days during all the time the polls are open, so that in case the name of any person has been omitted from the checklist whom the registrars are satisfied is a legal voter the registrars shall

certify the same to the moderator who shall receive his vote and the ward clerk shall check the name of the person so voting on the back of the certificate and shall return the same to the city clerk with the checklist.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved April 9, 1941.]

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## CHAPTER 284.

### AN ACT AUTHORIZING THE TOWN OF HAVERHILL TO ISSUE REFUNDING NOTES OR BONDS AND VALIDATING PROCEEDINGS OF THE TOWN MEETINGS OF THE TOWN OF HAVERHILL.

*Be it enacted by the Senate and House of Representatives in  
General Court convened:*

**1. Authorization.** The town of Haverhill is hereby authorized to issue serial notes or bonds to an amount not exceeding forty thousand dollars for the purpose of refunding outstanding temporary and permanent notes.

**2. Proceedings Validated.** The proceedings of the town of Haverhill taken at the meetings of March 11, 1941 and the adjourned meeting of March 31, 1941, so far as they relate to the appropriations for the purposes set forth in section 1 and the issuance of notes or bonds in pursuance thereof, including the maturity dates thereof, are hereby legalized, ratified and confirmed and made as effective as if such proceedings were taken after the passage of this act.

**3. Takes Effect.** This act shall take effect upon its passage.

[Approved April 10, 1941.]

## CHAPTER 285.

AN ACT RELATIVE TO THE CHARTER OF THE TRUSTEES OF THE  
NEW HAMPSHIRE CONFERENCE OF THE METHODIST  
EPISCOPAL CHURCH.

*Be it enacted by the Senate and House of Representatives in  
General Court convened:*

**1. Change of Name; Board of Trustees.** Amend chapter 9 of the Laws of 1831 as amended by chapter 455 of the Laws of 1846 (July 3), as amended by chapter 4178 of the Laws of 1865 (June 29), as amended by chapter 155 of the Laws of 1885 (July 16), by striking out the words: "Trustees of the New Hampshire Conference of the Methodist Episcopal Church" and inserting in place thereof the following: Trustees of the New Hampshire Annual Conference of the Methodist Church; and by striking out the whole of section 3, chapter 9 of the Laws of 1831, and inserting in place thereof the following: **Sect. 3.** There shall be a board of trustees which shall consist of not more than nine persons who must be at least twenty-one years of age and shall be ministers in the effective relation in the annual conference or members in good standing of churches within the bounds of the annual conference, and such persons shall be the directors of the corporation. They shall be elected by the annual conference for a term of three years, except as to the first board, not more than three of whom shall be elected for a term of one year, not more than three for a term of two years, and not more than three for a term of three years, and shall serve until their successors have been elected and qualified; provided, however, that the existing board of trustees may continue unaffected by this section until their successors shall have been elected and qualified.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved April 15, 1941.]

## CHAPTER 286.

AN ACT RELATIVE TO THE NEW HAMPSHIRE CONFERENCE  
PREACHERS' AID SOCIETY OF THE METHODIST EPISCOPAL  
CHURCH.

*Be it enacted by the Senate and House of Representatives in  
General Court convened:*

**1. Name Changed.** The name of the New Hampshire Conference Preachers' Aid Society of the Methodist Episcopal Church, an organization incorporated by chapter 127 of the Laws of 1877, as amended by chapter 179, Laws of 1905, is hereby changed to New Hampshire Conference Preachers' Aid Society of the Methodist Church.

**2. Application of Act.** The rights, liabilities and all other incidents pertaining to said corporation shall be in no respect changed hereby except as to the name thereof.

**3. Takes Effect.** This act shall take effect upon its passage.

[Approved April 15, 1941.]

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## CHAPTER 287.

AN ACT TO CHANGE THE NAME OF THE SWEDISH EVANGELICAL  
LUTHERAN GETHSEMANE CHURCH OF MANCHESTER.

*Be it enacted by the Senate and House of Representatives in  
General Court convened:*

**1. Change of Name.** The name of the Swedish Evangelical Lutheran Gethsemane Church of Manchester is hereby changed to the Gethsemane Evangelical Lutheran Church, Manchester, New Hampshire.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved April 15, 1941.]



## CHAPTER 288.

### AN ACT LEGALIZING CERTAIN MEETINGS OF THE BOSCAWEN PENACOOK WATER DISTRICT.

*Be it enacted by the Senate and House of Representatives in  
General Court convened:*

**1. Proceedings Legalized.** The votes and proceedings of the annual meetings of the Boscawen Penacook water district, held April 20, 1940, and April 7, 1941, relative to the appropriation and issuance of bonds or notes for improvements of the town water system, are hereby legalized, ratified and confirmed.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved April 17, 1941.]

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## CHAPTER 289.

### AN ACT TO DISSOLVE THE PEOPLE'S SAVINGS BANK OF MANCHESTER AND TO REPEAL ITS CHARTER.

*Be it enacted by the Senate and House of Representatives in  
General Court convened:*

**1. Dissolution.** People's Savings Bank, of Manchester, a corporation established by chapter 119 of the Laws of 1873, is hereby dissolved and its charter repealed.

**2. Remedies Preserved.** No remedy against said corporation, its shareholders or officers, for any liability previously incurred, shall be impaired hereby.

**3. Disposition of Property.** Said corporation shall continue as a body corporate for the term of two years from the date that this act takes effect, for the purpose of presenting and defending suits by or against it and of gradually closing and settling its affairs and distributing its assets, including the disposition and transfer of all or any part of its property and for no other purpose; provided that the superior court shall have power at any time when it shall be made to appear, upon the petition of any interested party, that the protection of proprietary or other rights requires the doing of any act or thing by or in behalf of said corporation to order the doing of

such act or thing, and for this purpose may appoint and authorize an agent to act for and in the name of such corporation, and any action so ordered and done shall be effective corporate action.

**4. Takes Effect.** This act shall take effect upon its passage.

[Approved April 22, 1941.]

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## CHAPTER 290.

AN ACT AUTHORIZING THE CITY OF PORTSMOUTH TO PROVIDE PENSIONS FOR CERTAIN EMPLOYEES OF THE PUBLIC SCHOOLS.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1. Employees of Portsmouth Public Schools.** Amend section 1 of chapter 272 of the Laws of 1931 by inserting after the word "teacher" in the fifth line the words, or other employee, by inserting before the word "teacher" in the sixth line the word, such, and after said word in said sixth line the words, or employee, and also by inserting after the word "teacher" wherever it otherwise occurs in said section the words, or employee, so that said section as amended shall read as follows: **1. Retirement from Active Service.** The mayor and city council of the city of Portsmouth may, at the request of the superintendent of schools and two thirds of the members of the school board actually voting in favor thereof, retire from active service any teacher or other employee of the public schools who has performed faithful service as such teacher or employee in said Portsmouth for a period of at least thirty consecutive years, and may grant a pension to such retired teacher or employee for a period not exceeding one year at a time. The mayor and city council may, in the same manner, grant a pension, for the same period, to any former teacher or employee of the public schools of said Portsmouth who has performed faithful service as such teacher or employee for a period of at least thirty consecutive years.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved April 22, 1941.]

## CHAPTER 291.

### AN ACT RELATING TO THE CONTROL OF NAVIGATION AT RYE HARBOR.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1. Control of Navigation at Rye Harbor.** The town of Rye may annually choose a harbor-master whose duty it shall be to oversee Rye harbor, to preserve and regulate navigation within said waters, to assign moorings, require the same to be kept in safe condition, to require the removal of vessels if necessity or an emergency arises, and to inquire into and prosecute all offenses under the provisions hereof. For the purposes hereof said Rye harbor-master may make such reasonable rules and regulations as he shall deem proper. He shall receive for his services such sum as the town of Rye may determine and pay.

**2. Definition.** The word "vessel" as used herein shall include boats of all sizes propelled by sail, machinery or hand, scows, dredges, shellfish cars and craft of every kind.

**3. Penalty.** Whoever violates any of the rules and regulations of the Rye harbor-master promulgated under the authority hereof, or refuses or neglects to obey the lawful and reasonable orders of said harbor-master, or resists him in the execution of his duties, shall be fined not more than fifty dollars. All fines collected under the provisions of this section shall be forwarded by the court collecting the same to the treasurer of the town of Rye for the use of said town.

**4. Takes Effect.** This act shall take effect upon its passage.

[Approved April 29, 1941.]

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## CHAPTER 292.

### AN ACT RELATING TO REISSUANCE OF CERTAIN CARROLL COUNTY REFUNDING BONDS.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1. Carroll County Refunding Bonds.** Amend chapter 332 of the Laws of 1933 by inserting after section 2 the following

new section: **3. Reissuing.** In case of sale or transfer of the refunding bonds provided for by section 1 the treasurer may cancel any number of said bonds and reissue in place thereof a like bond except that the denomination of said new bond shall be equal in amount to the total of the bonds for which it is exchanged.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved May 6, 1941.]

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## CHAPTER 293.

### AN ACT RELATIVE TO THE POWERS OF THE GRANITE STATE FIRE INSURANCE COMPANY.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1. Authority Granted.** Amend section 1 of chapter 172 of the Laws of 1874, as amended by section 2 of chapter 161 of the Laws of 1885, chapter 262 of the Laws of 1915, chapter 298 of the Laws of 1917, chapter 228 of the Laws of 1921 and chapter 296 of the Laws of 1931, by striking out said section and inserting in place thereof the following: **Section 1.** That Frank Jones, Edwin Wallace, Samuel C. Fisher, John W. Sanborn, Charles H. Sawyer, Alvah W. Sulloway, George H. Stowell, Thomas G. Jameson and John F. Cloutman, and their associates, successors and assigns be and they are hereby incorporated and made a body politic by the name of the Granite State Fire Insurance Company, to be located within this state where the board of directors may determine, with authority to have and exercise all the powers and privileges incident to corporations of a similar nature, for the purpose of making and effecting insurance and conducting insurance business specified in paragraphs I and II of section 1 of chapter 272 of the Public Laws as amended by section 1 of chapter 135 of the Laws of 1931, section 1 of chapter 128 of the Laws of 1937 and chapter 6 of the Laws of 1941 (paragraphs I and II, section 1, chapter 313, commisisoners' report) and for the purpose of making and effecting any insurance business in which

corporations of a similar nature now or hereafter by law may engage.

**2. Repeal.** Section 5 of chapter 172 of the Laws of 1874, as amended by section 6 of chapter 161 of the Laws of 1885, relative to said insurance company, is hereby repealed.

**3. Takes Effect.** This act shall take effect upon its passage.

[Approved May 9, 1941.]

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## CHAPTER 294.

### AN ACT RELATIVE TO THE POWERS OF THE NEW HAMPSHIRE FIRE INSURANCE COMPANY.

*Be it enacted by the Senate and House of Representatives in  
General Court convened:*

**1. Authority Granted.** Amend section 1, chapter 97 of the Laws of 1869, as amended by chapter 234 of the Laws of 1909, chapter 259 of the Laws of 1915, chapter 281 of the Laws of 1917, chapter 280 of the Laws of 1925, chapter 297 of the Laws of 1931 and chapter 308 of the Laws of 1937 by striking out said section and inserting in place thereof the following: **Section 1.** That Ezekiel A. Straw, James A. Weston, Samuel N. Bell, Albert H. Daniels, Samuel Upton, George B. Chandler, Clinton W. Stanley, David Gillis, John S. Harvey, Woodbury F. Prescott, William D. Knapp, Moses R. Emerson, John F. Chase, and their associates, successors and assigns be and they hereby are incorporated and made a body politic by the name of the New Hampshire Fire Insurance Company, to be located at Manchester, in said state, with authority to have and exercise all the powers and privileges incident to corporations of a similar nature, for the purpose of making and effecting insurance and conducting insurance business specified in paragraphs I and II of section 1 of chapter 272 of the Public Laws as amended by section 1 of chapter 135 of the Laws of 1931, section 1 of chapter 128 of the Laws of 1937 and chapter 6 of the Laws of 1941 (commissioners' report, paragraphs I and II, section 1, chapter 313) and for the purpose of making and effecting any insurance

business in which corporations of a similar nature now or hereafter by law may engage.

2. **Repeal.** Chapter 90 of the Laws of 1870, relative to said insurance company, is hereby repealed.

3. **Takes Effect.** This act shall take effect upon its passage.

[Approved May 9, 1941.]

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## CHAPTER 295.

### AN ACT RELATING TO THE NEW HAMPSHIRE CONGREGATIONAL-CHRISTIAN CONFERENCE.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

1. **Merger of Trust Funds.** Section 2 of chapter 415 of the Laws of 1913 is hereby amended by adding at the end thereof the following sentences: The corporation is authorized to merge any and all funds received or held by it as trustee with other funds held by it into a consolidated investment fund. Each separate fund so merged shall be represented by its proportionate part of said consolidated investment fund, and income returnable on each separate fund so merged shall be that proportion of the total net income earned by said consolidated investment fund which each separate fund so merged bears to the whole investment fund. In any accounting, probate or otherwise, of the administration of said separate funds a proper account filed in accordance with the merger and investment powers herein conferred shall be accepted and approved, so that said section as amended shall read as follows: **Sect. 2.** The corporation is empowered and authorized to act as trustee of any funds in any way set apart for the promotion of any of the objects aforesaid, upon appointment by the courts or upon appointment by individuals or by religious societies; and no bond shall be required of it to insure the faithful performance of the trust, provided, however, that the corporation may require such of its officers having custody of its funds, whether trust or otherwise, to give such bonds as it may deem reasonable. The corporation is authorized to merge any and all funds received or held by it

as trustee with other funds held by it into a consolidated investment fund. Each separate fund so merged shall be represented by its proportionate part of said consolidated investment fund, and income returnable on each separate fund so merged shall be that proportion of the total net income earned by said consolidated investment fund which each separate fund so merged bears to the whole investment fund. In any accounting, probate or otherwise, of the administration of said separate funds a proper account filed in accordance with the merger and investment powers herein conferred shall be accepted and approved.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved May 14, 1941.]

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## CHAPTER 296.

AN ACT AUTHORIZING THE TOWN OF ALTON TO ISSUE REFUNDING NOTES OR BONDS.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1. Authorization.** The town of Alton is hereby authorized to issue its serial notes or bonds to an amount not exceeding twenty-two thousand dollars (\$22,000) for the purpose of refunding outstanding water indebtedness of a like amount. Said serial notes or bonds shall be signed by the selectmen and countersigned by the treasurer.

**2. Terms.** Said issue of serial notes or bonds shall be due and payable at such times, not more than twenty years from their date of issue, and in such amounts, and in such manner as the board of selectmen and treasurer of said town may determine, at a rate of interest to be fixed by said board.

**3. Application of General Laws.** Except as otherwise provided in this act, the provisions of chapter 59 of the Public Laws shall apply to the serial notes or bonds herein authorized.

**4. Takes Effect.** This act shall take effect upon its passage.

[Approved May 15, 1941.]

## CHAPTER 297.

AN ACT RELATIVE TO THE COMMUNITY HOSPITAL OF WALPOLE  
AND ELLIOT COMMUNITY HOSPITAL OF KEENE.

*Be it enacted by the Senate and House of Representatives in  
General Court convened:*

**1. County Appropriations.** The county of Cheshire is hereby authorized to appropriate from time to time such sums of money in aid of the support and maintenance of the Elliot Community Hospital, Keene, and the Community Hospital of Walpole in such proportion as in the opinion of the county delegation of the legislature may be necessary, provided that such appropriation shall not exceed a total of three thousand dollars in any one year.

**2. Takes Effect; Limitation.** This act shall take effect upon its passage and continue in effect until December 31, 1945.

**3. Repeal.** Chapter 125 of the Laws of 1925, relative to county appropriations, is hereby repealed.

[Approved May 27, 1941.]

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## CHAPTER 298.

AN ACT RELATIVE TO THE APPROPRIATION OF MONEY BY THE  
TOWN OF BRISTOL FOR TRANSPORTATION TO THE RAILROAD  
AT FRANKLIN.

*Be it enacted by the Senate and House of Representatives in  
General Court convened:*

**1. Proceedings Legalized.** The proceedings of the town of Bristol at the annual meeting, March 11, 1941, whereby it voted under Article 17 to raise and appropriate three hundred dollars (\$300) to further transportation facilities between Bristol and Franklin, is hereby legalized and made valid.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved May 27, 1941.]



## CHAPTER 299.

AN ACT AUTHORIZING THE TOWN OF LYME TO ISSUE REFUNDING NOTES OR BONDS AND VALIDATING PROCEEDINGS OF THE TOWN MEETINGS OF THE TOWN OF LYME.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1. Authorization.** The town of Lyme is hereby authorized to issue serial notes or bonds to an amount not exceeding thirty-five thousand dollars any other provisions of law to the contrary, notwithstanding, for the purpose of refunding outstanding temporary and permanent notes.

**2. Proceedings Validated.** The proceedings of the town of Lyme taken at the meetings of March 11, 1941 so far as they relate to the appropriations for the purposes set forth in section 1 and the issuance of notes or bonds in pursuance thereof, are hereby legalized, ratified and confirmed and made as effective as if such proceedings were taken after the passage of this act.

**3. Takes Effect.** This act shall take effect upon its passage.

[Approved May 27, 1941.]

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## CHAPTER 300.

AN ACT LEGALIZING THE PROCEEDINGS TAKEN AT THE ANNUAL TOWN MEETING IN MILAN ON MARCH 11, 1941, RELATIVE TO ACQUIRING LAND AND BUILDING A TOWN HALL.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1. Proceedings Legalized.** The proceedings and votes of the annual town meeting of the town of Milan held on March 11, 1941, are hereby legalized, ratified and confirmed so far as they relate to the appropriation and issuance of bonds or notes for the purpose of acquiring land and building a town hall in West Milan.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved May 27, 1941.]

## CHAPTER 301.

## AN ACT RELATING TO THE MINISTERIAL LIBRARY IN THE TOWN OF PETERBOROUGH.

WHEREAS there are certain funds in the Peterborough Savings Bank of Peterborough, New Hampshire, deposited in Book 687, to the credit of the Peterborough Ministerial Library, which funds are claimed to belong to the Congregational Society (Unitarian) of said Peterborough as successors to the equitable title of said book under the name of "The Ministerial Library in the Town of Peterborough," incorporated by act of the legislature in 1838 (volume 3, page 251 of the records of the secretary of state); and said funds in 1862 amounted to \$74.20, in 1872 were increased to \$76.65, and since that time by accumulations of interest only are credited as of January 1, 1941 with \$894.64; and no deposits or withdrawals have been made for over thirty years, whereby said funds might escheat to the state of New Hampshire unless otherwise dedicated; now, therefore,

*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1. Dissolution of Corporation.** The corporation Ministerial Library in the town of Peterborough, on and after the passage of this act, is dissolved and its charter forfeited; and any funds in the Peterborough Savings Bank or property credited as belonging to said library shall vest in the Congregational Society (Unitarian) of said Peterborough, subject, however, to the following restrictions: That nothing but the income of said fund shall be expended for a period of three years from the date of the passage of this act; that within said three years, the superior court of Hillsborough county, on application of any legally interested party that the protection of proprietary or other rights requires the doing of any act or thing by or in behalf of any such corporation, may order the doing of such acts or things, and for this purpose may appoint and authorize an agent to act for and in the name of such corporation and any action so ordered and done shall be effective corporate action.

**2. Use of Funds.** That within the above three year period, said Unitarian Society, through its church officers,

may pay the whole or any part of the income accumulating after the passage of this act to the town library of Peterborough for the purchase of books on religious educational purposes, the balance to be retained in the society until the end of said period; that after said three year period, if no order by the court has been made to the contrary, said fund may be used by said society for the promotion of religious educational purposes through the purchase of books or through maintenance of its church; and said society is empowered to transfer all or any part of said funds or any property in its possession as successor to said Ministerial Library to the Peterborough town library for the purchase of books of a religious educational nature or to any other association or may expend all or any part of said funds and property for the religious educational purposes of the said Unitarian Society or any organized religious society in the town of Peterborough; and it is hereby specified that "religious educational purposes" are defined as purposes connected with the maintenance of the churches of liberal faith and the assistance to libraries in keeping and purchasing books of a religious educational nature, whether such libraries are town or privately maintained, and whether such books are promotive of the interests of any religious sect.

**3. Statute of Limitations.** Unless before this act takes effect, some action at law or in equity has been started or some court decree has been made, which action and decree can be brought forward within the three year period above provided, for further consideration by the court, the Unitarian Society of Peterborough shall not be held liable for the transfer of any funds in accordance with the terms of the act, but an injunction to prevent further transfer of said funds may lie if, in the opinion of any court, justice requires; and in that case the attorney general must be made a party to the action before such injunction is granted.

**4. Takes Effect.** This act shall take effect upon its passage.

[Approved June 4, 1941.]

## CHAPTER 302.

AN ACT TO AUTHORIZE THE BARTLETT AND NORTH CONWAY  
LIGHTING PRECINCT TO ISSUE REVENUE BONDS.

*Be it enacted by the Senate and House of Representatives in  
General Court convened:*

**1. Bartlett and North Conway Lighting Precinct.** Amend chapter 302 of the Laws of 1931, by inserting after section 6 the following new section: **6-a. Borrowing.** The district is further authorized, if it votes so to do, to borrow and hire such sums of money as may be deemed necessary and expedient for the purpose of defraying the cost of purchasing, acquiring, erecting or maintaining an electric light plant, or any part thereof, and may issue notes, bonds, mortgages on the sole credit of the plant, or on the sole credit of the earnings of the plant, or both, and the obligations thus incurred shall not be included as a part of the debt of the district in ascertaining and fixing the net debt of the district under the provisions of section 6, chapter 302, Laws of 1931 and chapter 59, Public Laws. Rates of interest and time of payment may be fixed by the commissioners of the district.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved June 10, 1941.]

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## CHAPTER 303.

AN ACT TO LEGALIZE THE ANNUAL MEETINGS, 1940 AND 1941,  
IN THE TOWN OF JEFFERSON.

*Be it enacted by the Senate and House of Representatives in  
General Court convened:*

**1. Proceedings Legalized.** The votes and proceedings of the annual town meetings held on the twelfth day of March, 1940, and on the eleventh day of March, 1941, in the town of Jefferson, are hereby legalized, ratified and confirmed.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved June 12, 1941.]

## CHAPTER 304.

### AN ACT AUTHORIZING THE REINSTATEMENT OF W. A. EMERSON'S SONS.

*Be it enacted by the Senate and House of Representatives in  
General Court convened:*

**1. Reinstatement.** W. A. Emerson's Sons, a corporation dissolved by chapter 291, Laws of 1939, may within ninety days after May 15, 1941, reinstate itself as a corporation by the payment of one hundred dollars in full for fees in arrears and penalties, and by filing with the secretary of state annual returns for the years 1937 to 1941 inclusive, and a statement under oath, signed by the clerk or acting clerk of such corporation, that it is desired that its charter or certificate of incorporation shall remain in full force and effect; provided that no remedy against such corporation, its stockholders or officers, for any liability incurred shall be impaired hereby except that no penalty for failure to pay any fees or file any returns before the date of May 15, 1941, shall be imposed; otherwise the charter of said corporation shall be forfeited in accordance with the terms of chapter 291 of the Laws of 1939, and this act shall in that case have no effect whatsoever.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved June 12, 1941.]

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## CHAPTER 305.

### AN ACT TO REPEAL CHARTERS OF CERTAIN CORPORATIONS.

*Be it enacted by the Senate and House of Representatives in  
General Court convened:*

**1. Charters Repealed.** The charter or certificate of incorporation of each of the following named corporations is hereby repealed, revoked and annulled except as otherwise here specified:

Abbott Grocery Co. (Keene, 1890)

Alemma Corporation (Keene, 1936)

Alliance Circle Twenty, Incorporated (Manchester, 1938)

Allied Packing and Distributing Company, Inc. (Nashua, 1935)

Amherst Midget Speedway, Inc. (Amherst, 1939)  
Archambault Furniture Company (Manchester, 1936)  
Arden's, Inc. (Nashua, 1936)  
Arnold Wood Heel Company (Seabrook, 1935)  
Athen's Market Inc. (Manchester, 1938)  
Atlantic Wood Heel Co. Inc. (Seabrook, 1938)  
Ayer & Son, Inc., George H. (Manchester, 1933)  
Bailey & Sons, Inc., F. H. (Nashua, 1935)  
Bald Peak Realty Company (Moultonboro, 1922)  
Bartemus Company, G. N. (Concord, 1911)  
Bay State Market, Inc. (Manchester, 1932)  
Beaver Mills (Keene, 1881)  
Bell Brothers Co. (Wolfeboro, 1934)  
Bellevue, Inc. A. C. (Portsmouth, 1938)  
Berlin Beverage Company (Berlin, 1939)  
Bert's Diner, Inc. (Portsmouth, 1938)  
Bishop Manufacturing Company, Inc. (Lincoln, 1938)  
Blodgett Lodge, Inc. (Newbury, 1937)  
Booth, Inc., H. M. (Northfield, 1938)  
Bosson, Inc., H. Stewart (Meredith, 1934)  
Boynton & Caverly (Laconia, 1922)  
Brentwood Shoe Co., Inc. (Brentwood, 1937)  
Brown's, Inc. (Concord, 1930)  
C & D Oil Co., Inc. (Exeter, 1937)  
Camp Raleigh, Inc. (Rumney, 1931)  
Campus Cafe, Inc. The (Hanover, 1934)  
Canaan Street Lodge, Inc. (Canaan, 1938)  
Carroll County Cooperative Creamery Association (Sanbornville, 1934)  
Carroll County Land & Lumber Company (Mountainview, 1919)  
Carter-Taylor, Inc. (formerly Gale Shoe Company; Portsmouth, 1912)  
Central Finance Corporation (Concord, 1938)  
Chase Farms, Inc. (Whitefield, 1920)  
Chase & Veasey Box & Lumber Company (Lakeport, 1918)  
Cheshire Wood Heel Company, Inc. (Keene, 1937)  
Chipp Incorporated (Dover, 1937)  
Chung Mee Restaurant, Inc. (Manchester, 1932)  
Citizens Realty Exchange, Inc. (Claremont, 1939)  
Clark Pattern Company, Inc. (Manchester, 1932)

Colebrook Lumber Company, Inc. (Colebrook, 1933)  
Collins Motor Corporation (Laconia, 1932)  
Colonial Motors, Inc. (Nashua, 1939)  
Concord Lunch, Inc. (Concord, 1934)  
Concord Silversmiths Corporation (Concord, 1936)  
Connors Company, John P. (Manchester, 1938)  
Conway Grocery Company (Conway, 1932)  
Corey Oil Co. (Littleton, 1936)  
Cullen Hardware Corporation (Littleton, 1937)  
Cullen Oil Corporation (Littleton, 1935)  
Cummings Creamery, Inc. (Newport, 1938)  
Cutting & Son Co., E. L. (Croydon, 1932)  
Delay Manufacturing Company, Inc. (Keene, 1931)  
Derry Company (Derry, 1937)  
Diamond T Truck Co. (Manchester, 1932)  
Dickerman-Woodworth Company, The (Concord, 1931)  
Doherty, Incorporated, James A. (Manchester, 1939)  
Dole, Inc., Arthur E. (formerly Stone and Dole Inc., Concord, 1932)  
Duncan The Druggist, Inc. (East Jaffrey, 1920)  
East Jaffrey Manufacturing Company (East Jaffrey, 1912)  
Eaves, Incorporated, Elinor R. (E. Jaffrey, 1931)  
Economy Clothing Company, Incorporated (Berlin, 1933)  
Elkins Dentist, Inc., Dr. (Manchester, 1934)  
Ellsworth Road Light and Power Company (W. Campton, 1926)  
Emerson Inn, Incorporated, The (Bartlett, 1936)  
Emerson Paper Company (Sunapee, 1890)  
Eureka Head Ache Cure Company (Concord, 1892)  
Federal Square Corporation (Concord, 1920)  
Fitzwilliam Public Welfare Association (Fitzwilliam, 1927)  
Forbes and Bailey, Inc. (Bethlehem, 1938)  
Forbes-Goodwin-Bailey, Inc. (Bethlehem, 1938)  
Forty-Niners, Inc., The (Whitefield, 1938)  
Fownes Meat & Grocery, Inc. (Farmington, 1934)  
Frederick Shoe Corporation (Derry, 1935)  
Gale Fingercuff Company (Concord, 1937)  
Gammons Company, Inc. (Plymouth, 1929)  
General Construction Corporation (Manchester, 1938)  
General Realty Company (Concord, 1925)

Gerard Supreme Markets, Inc. (Manchester, 1938)  
Goatland, Inc. (Manchester, 1931)  
Golden Rich Food Corporation (Pittsburg, 1938)  
Goodnow Specialties Corporation (Keene, 1927)  
Gosselin Auto Body Shop, Incorporated (Claremont, 1938)  
Granite State Appliance Co., Inc. (West Ossipee, 1937)  
Granite State Construction Co. (Concord, 1937)  
Granite State Insulating Co. (Manchester, 1936)  
Granite State Lumber Co., Inc. (Tamworth, 1937)  
Grant & Company, Inc., G. H. (Wolfeboro, 1938)  
Gregoire Co., Inc., D. G. (Manchester, 1932)  
Guimond Construction Company, Inc. (Concord, 1939)  
Haji-Costas, Inc., Geo. (Manchester, 1938)  
Hampstead Manufacturing Company, Inc. (Derry, 1935)  
Harrower Company, J. W. (Plymouth, 1930)  
Henderson-Glendale, Inc. (Gilford, 1927)  
Herman Shoe Co., Inc. (Newton Junction, 1939)  
Hill Billies, Inc. (Campton, 1937)  
Hillsborough Quarries, Inc. (Milford, 1937)  
Hinkley Corporation, Thomas, The, (Plymouth, 1930)  
Hobby Shoe Co., Inc. (Rochester, 1937)  
Hollis Mutual Fire Insurance Company (1846)  
Hurd Root Beer Company, The (Raymond, 1936)  
Hurdemac Laboratory, Inc., The (Nashua, 1938)  
Hutchins Company, John C., The (Stratford, 1920)  
Interstate Passenger Service Inc. (Dover, 1933)  
Irving Shoe Co. Inc. (Manchester, 1938)  
Jaffrey Building & Loan Association (Jaffrey, 1917)  
Jersey Baking Company (Concord, 1927)  
Kearsarge Electric Company (Meredith, 1928)  
Keene Air Service, Inc. (Keene, 1938)  
Keene-Brattleboro Transfer Co. (Keene, 1925)  
Keene Radio & Electric Co. (Keene, 1938)  
Kelley Concrete Company, Inc. (Canaan, 1939)  
Kelley Rich Food Corporation (Pittsburg, 1939)  
Knapp Manufacturing Company (Lebanon, 1921)  
Kra-Co Shoe Corp. (Danville, 1939)  
Krickler Pre Heater Company, Incorporated (Keene, 1938)  
Labnon's, Inc. (Berlin, 1936)  
Laconia Manufacturing Corporation (Laconia, 1937)



Lakeside Motor Co. Inc. (Laconia, 1937)  
Lancaster Cattle Company (Lancaster, 1935)  
Lane Gum Co. (Keene, 1937)  
LeBlanc Drugstore, Inc. (Manchester, 1939)  
Lee's Garage Inc. (Concord, 1937)  
Levingston's, Inc. (Concord, 1937)  
Lewis & Angier, Inc. (Claremont, 1931)  
Lisbon Improvement Association (Lisbon, 1919)  
Lister Silver Black Fox Company (Rumney, 1924)  
Littleton Metal Company, Inc., The (Littleton, 1938)  
Lobster Pound, Inc. (Portsmouth, 1939)  
Lockwood Inn, Inc. (Dublin, 1939)  
Lovell Lake Creamery, Inc. (Wakefield, 1939)  
M. & P. Builders and Engineers (Nashua, 1930)  
Main Street Garage (North Conway, 1928)  
Manchester Coke Company (Manchester, 1936)  
Manchester Counter Company, Inc. (Manchester, 1937)  
Manchester Dairy, Inc. (Manchester, 1935)  
Manchester Hardware Co., The (Manchester, 1886)  
Manchester Reed Works (Bedford, 1920)  
Manchester Traction, Light & Power Company (Manchester, 1914)  
Manchester Zoo, Inc., The (Manchester, 1934)  
Mandelson Co., J. C. (Nashua, 1908)  
Mascoma Camps, Incorporated (Hanover, 1923)  
Maynard Inc., Ed. (formerly White Mountain Manufacturing Company, Plymouth, 1932)  
Maynard Heel Co., Inc. (Claremont, 1937)  
McDuff Machine Company, Incorporated (Lakeport, 1924)  
McIntire Incorporated Enterprises (Portsmouth, 1937)  
McKay-Frank Shoe Company, Inc. (formerly Varsitee Shoe Company, Salem, 1936)  
Meglitz Engineering Co., William B. (formerly Thompson Engineering Company, Lancaster, 1939)  
Melanson Shoe Company (Manchester, 1930)  
Mellin-Quincy Mfg. Co. (Whitefield, 1933)  
Miller Shoe Co. (Derry, 1937)  
Modern Amusements, Inc. (Franklin, 1938)  
Modern Markets, Incorporated (Berlin, 1937)  
Mohawk Improvement Company (1883)

Morse Co., A. W. (Manchester, 1933)  
Mount Whittier Corporation, The (West Ossipee, 1938)  
Muir Lumber Company (Manchester, 1922)  
Mutual Finance Company, Inc. (Manchester, 1931)  
Nardini Company, The (Concord, 1935)  
Nashua Drug Company, The (Nashua, 1891)  
Nashua Sterling Store, Inc. (Nashua, 1932)  
Nelson Dowling Coal Company (Manchester, 1922)  
New England Karakul Fur Sheep Breeder's Inc. (Plymouth, 1938)  
New Hampshire Breeders' Association, Inc., The (Salem, 1931)  
New Hampshire Diatomite Company, The (Portsmouth, 1932)  
New Hampshire Fibrecraft Inc. (Center Ossipee, 1938)  
New Hampshire Granite Company, Inc., The (Redstone, Conway, 1938)  
New Hampshire Hoxide Inc. (Rochester, 1927)  
New London Realty Association (New London, 1929)  
Newmarket Speedway, Incorporated, The (Newmarket, 1926)  
Newton Shoe Company, Inc. (formerly Wingate, Inc., Newton, 1937)  
1939 Department Convention Corporation, The (1938)  
Nolan, Inc., Angus (Goffstown, 1939)  
Osgood Company, Inc., F. F. (Manchester, 1929)  
Ossipee Ski Tow, Inc. (Ossipee, 1939)  
Our Camp, Inc. (Andover, 1932)  
Pasquaney Land Associates (Hebron, 1923)  
Paul's Tea Room, Inc. (Manchester, 1939)  
Peace Haven Corporation (Manchester, 1939)  
Pemi Corporation (Plymouth, 1937)  
Pendergast Sales Co., Inc. (Newmarket, 1927)  
Peverly Hill Corporation (Portsmouth, 1938)  
Phaneuf Insurance Agency (Concord, 1914)  
Phelps & Shepard, Inc. (Manchester, 1935)  
Pickering, Inc., Leonard B. (Laconia, 1939)  
Piscataqua Realty Company (Salem, 1927)  
Plaistow Shoe Co. (Plaistow, 1934)  
Portsmouth Cafe Co., Inc. (Portsmouth, 1938)  
Portsmouth Cafe, Inc. (Portsmouth, 1937)

Portsmouth Restaurant Co. (Portsmouth, 1939)  
Priscilla Garden Tea Room Inc. (Concord, 1934)  
Queen City Fruit and Produce Co. (Manchester, 1939)  
Queen City Shoe Mfg. Corporation (Manchester, 1935)  
Realty Investment Company (Manchester, 1902)  
Rice Corporation, P. H. (formerly Connare-Rice Corporation,  
Manchester, 1931)  
Rioux Funeral Parlors, Inc. (Berlin, 1933)  
River Lumber Corporation (Barrington, 1937)  
Robbins Motor Sales, Inc. (Hillsborough, 1938)  
Rochester Motors, Inc. (Rochester, 1937)  
Rockingham Country Club, Inc. (Newmarket, 1937)  
Rockingham Realty Company (Derry, 1914)  
Ronan-Johnson, Inc. (Manchester, 1934)  
Rosebud Shoes, Inc. (Derry, 1938)  
Royal Crown Bottling Company of New Hampshire (Portsmouth, 1939)  
Salmon Falls Realty Company (Manchester, 1935)  
Samara, Inc., Salin (Manchester, 1934)  
Samuel Shoe Company, Inc. (formerly Samuel Shoe Company,  
Inc., 1934, and Wise Shoe Company, Inc., Farmington,  
1934)  
Schelzel Vulcanizing Works, Incorporated (Manchester, 1933)  
Selective Display Advertising Corporation of New Hampshire  
(Concord, 1938)  
Shaw Service, The (Nashua, 1926)  
Smalley-Souhegan Granite Company (formerly Daniels  
Granite Co., Milford, 1899)  
Smith Shook & Lumber Company (Bristol, 1917)  
Solid Fuel Transportation, Inc. (Nashua, 1939)  
Somersworth Knights of Columbus Building Association  
(Somersworth, 1920)  
Souhegan Manufacturing Company, The (Milford, 1937)  
Square Deal Market, Incorporated (Berlin, 1939)  
Star Auto Shop, Inc. (formerly Star Paint Shop, Inc., Man-  
chester, 1936)  
Star Theatre of Manchester, Inc. (Manchester, 1930)  
Stark Finishing Company (Manchester, 1938)  
Sterling, Inc., W. A. (Claremont, 1939)  
Stone Motors, Inc., K. E. (Manchester, 1938)

Sunapee Corporation, The (New London, 1937)  
Thayer-Osborne Shoe Company (Farmington, 1911)  
Themelis, Inc., Arthur G. (Manchester, 1931)  
Tilton Hosiery Mills, Inc., The (Laconia, 1937)  
Tobey & Son, Inc., Chas. W. (Manchester, 1931)  
Tobey Farms Incorporated (Plymouth, 1930)  
Twin States Co-operative Milk Producers Association (West  
Canaan, 1937)  
Upland Terrace, Incorporated (Bethlehem, 1923)  
Vermont Packing Company, Inc. (North Walpole, 1934)  
Wakefield Lumber Corporation (1937)  
Warren Manufacturing Company (Warren, 1914)  
Washington Shoe Co., Inc. (Salem Depot, 1938)  
Wentworth Camps, Inc., The (Wolfeboro, 1939)  
Wigwam, Inc., The (Hanover, 1927)  
Wingate, Inc. (Newton, 1938)  
Wolfeboro Coal & Supply Company (Wolfeboro, 1920)  
Wolfeboro Mills (formerly Racine Woolen Mills, Wolfeboro,  
1918)  
Wolfeboro Oil, Inc. (Wolfeboro, 1938)  
Wolfeboro Shoe Co., Incorporated (Wolfeboro, 1938)  
Wood Inc., George H. (Claremont, 1929)  
Woodworth & Company (Concord, 1901)

The principal place of business and date and year of incorporation, when given in the above list, are included for the purpose of distinguishing corporations of the same or similar names.

**2. Remedies Preserved.** No remedy against any such corporation, its stockholders or officers, for any liability previously incurred, shall be impaired hereby.

**3. Reinstatement.** Any such corporation may, within ninety days after the date that this act takes effect, reinstate itself as a corporation by the payment of any fees in arrears and the filing with the secretary of state of any annual returns required by law and a statement under oath, signed by the clerk or secretary of such corporation, that it desires that its charter or certificate of incorporation shall remain in full force and effect.

**4. Disposition of Property.** Any corporation whose charter is hereby repealed, revoked and annulled, shall, never-

theless, continue as a body corporate for the term of three years from the date that this act takes effect, for the purpose of presenting and defending suits by or against it and of gradually closing and settling its concerns and distributing its assets, including the disposition and transfer of all or any part of its property and for no other purpose; provided that the superior court shall have power at any time when it shall be made to appear, upon the petition of any interested party, that the protection of proprietary or other rights requires the doing of any act or thing by or in behalf of any such corporation to order the doing of such acts or things, and for this purpose may appoint and authorize an agent to act for and in the name of such corporation and any action so ordered and done shall be effective corporate action.

**5. Takes Effect.** This act shall take effect upon its passage.

[Approved June 12, 1941.]

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## CHAPTER 306.

AN ACT TO SEPARATE THE FIRE DEPARTMENT OF THE LEBANON  
CENTER VILLAGE FIRE PRECINCT FROM THE WATER WORKS  
DEPARTMENT OF SAID PRECINCT AND TO INCORPORATE  
EACH DEPARTMENT.

*Be it enacted by the Senate and House of Representatives in  
General Court convened:*

**1. Change of Name.** The name of the Lebanon Center Village Fire Precinct in Lebanon is hereby changed to the Lebanon Water Works.

**2. Powers.** The Lebanon Water Works shall continue to exercise, own, have and assume all the rights, property, powers, liabilities, obligations, outstanding bonds, duties, privileges and functions now vested in, owned, owed, operated and exercised by said Lebanon Center Village Fire Precinct, in so far as they pertain to the water works department of said precinct and in so far as they pertain to the use of the water and the property and rights connected therewith by said precinct for all purposes.

**3. Corporation Created.** There is hereby created a separate and distinct corporate body to be known as the Lebanon Center Precinct Fire Department.

**4. Powers Granted.** All the rights, property, powers, liabilities, obligations, duties, privileges and functions now owned, vested in, operated and exercised by the Lebanon Center Village Fire Precinct, in so far as they pertain to the fire department and its functions and to the protection of persons and property from fires, are hereby vested in the Lebanon Center Precinct Fire Department hereby created.

**5. Present Officers.** All officers of the Lebanon Center Village Fire Precinct now holding office by virtue of election or appointment shall continue to be and remain in office until other action and election hereunder are taken.

**6. Separation of Functions.** The Lebanon Water Works is hereby authorized and empowered to assign to the Lebanon Center Precinct Fire Department by proper deed, conveyance, bill of sale or other legal document, all the property, effects, fire equipment and instrumentalities pertaining to, connected with, or otherwise belonging to and now used by the Lebanon Center Village Fire Precinct for the protection of persons and property from fire; and to do all other acts necessary to effect a complete separation of the functions of the water works department from the functions of the fire department now exercised by said precinct.

**7. Lines and Boundaries.** The precinct lines, territories and boundaries of the Lebanon Center Village Fire Precinct now in existence both as to use of water and the water works department and the use of water for the protection of persons and property from fire and the fire department shall continue to be and remain as the same are now.

**8. First Meeting of New Corporation.** The first meeting of the Lebanon Water Works shall be called by the water commissioners of the Lebanon water works of the former precinct, now in office, on the third Tuesday of March, 1942, and the annual meetings of the Lebanon Water Works shall thereafter be held on the third Tuesday of March in each year. Said water commissioners are hereby vested with all necessary authority to call said first meeting and the present officers of the Lebanon Center Village Fire Precinct with the exception

of the officers in the fire department of said precinct shall act as officers at this meeting or until other officers are chosen and with these exceptions the by-laws, rules and regulations which heretofore governed the meetings of the Lebanon Center Village Fire Precinct shall be and remain in force until otherwise changed by the Lebanon Water Works.

**9. Filing for Office.** Any candidate for office of water commissioner shall file with the clerk his application therefor at least seven days prior to said meeting.

**10. Superintendent of Water Works.** The water commissioners of the Lebanon Water Works shall employ a superintendent who, under their supervision, shall have complete charge and management of all the operations of the Lebanon Water Works, its plant and equipment and of all extensions, repairs and replacements and shall also collect the water rents and pay the same into the hands of the treasurer. The water commissioners may remove the superintendent for cause at any time after due public hearing.

**11. Depreciation Reserve Fund.** The Lebanon Water Works is hereby authorized and empowered to create and maintain out of its funds a depreciation reserve fund to take care of replacements of its plant, machinery, equipment and instrumentalities.

**12. First Meeting of Fire Precinct.** The fire wards of the Lebanon Center Precinct Fire Department, formerly the Lebanon Center Village Fire Precinct firewards, now in office, shall call a meeting of the Lebanon Center Precinct Fire Department on the first Tuesday of April, 1942, and said firewards are hereby vested with all authority necessary to call and conduct said meeting and the present officers of the former precinct, with the exceptions of the officers in the water works functions of said precinct, shall act as officers at this meeting or until other officers are chosen or elected, and with these exceptions the by-laws, rules and regulations which heretofore governed the meetings of the Lebanon Center Village Fire Precinct shall be and remain in force until otherwise changed by vote of Lebanon Center Precinct Fire Department.

**13. Meetings Legalized.** All meetings, votes and actions, if said meetings, votes and actions would be legal except for

technicalities, held and taken by the Lebanon Center Village Fire Precinct from the date of its organization to the date of the approval of this act are hereby legalized. All authority heretofore vested by the legislature of this state in the Lebanon Center Village Fire Precinct shall remain vested in the Lebanon Water Works and the Lebanon Center Precinct Fire Department in such manner as is provided for by this act.

**14. Application of Laws.** Such parts of chapter 223, Laws of 1887, as amended by chapters 191 and 247, Laws of 1907, as are inconsistent with the provisions hereof are hereby repealed.

**15. Takes Effect.** This act shall take effect if and when it is ratified in accordance with an article in the warrant at the next annual meeting, or at a previous legally called special meeting of the Lebanon Center Village Fire Precinct, but not otherwise.

[Approved June 13, 1941.]

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## CHAPTER 307.

### AN ACT ESTABLISHING A TRADE SCHOOL IN THE CITY OF MANCHESTER.

*Be it enacted by the Senate and House of Representatives in  
General Court convened:*

**1. Trade School Established.** The school board of Manchester is hereby authorized to establish in the city of Manchester a trade school at such time as the necessary funds are appropriated by the city council.

**2. Advisory Board.** There shall be an advisory board for said trade school consisting of five members, four of whom shall be appointed by the mayor, with the advice and consent of the board of aldermen, as follows: two representatives of employers and two representatives of employees, the mayor to comprise the fifth member of the advisory board. The term of office of this advisory board shall be four years each, except that the members of the first board shall be appointed for terms of one, two, three and four years each. There shall



be at all times two representatives of employers and two representatives of employees.

**3. Director.** The director of the trade school, appointed as are other teachers and principals, shall be the executive and administrative officer of said trade school. He shall have adequate experience in industry and training for teaching shop work.

**4. Teachers.** Teachers in the trade school shall have adequate experience in industry, and training for teaching shop work.

**5. Federal Aid.** The school board is authorized to cooperate with and enter into such agreements with the federal or state government and any agency thereof as it deems advisable to secure federal or state funds for the purpose of this act. Said school board may also accept gifts from individuals or corporations for the purposes hereof.

**6. Takes Effect.** This act shall take effect upon its passage.

[Approved June 13, 1941.]

STATE OF NEW HAMPSHIRE

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Office of Secretary of State,  
Concord, September 1, 1941.

I hereby certify that the acts and resolutions and changes of names contained in this volume have been compared with the originals in this office and found to be correctly printed.

ENOCH D. FULLER,  
*Secretary of State.*

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PREPARED BY  
MARION G. ALEXANDER



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